Representative Hall, Atlanta, Georgia

Monday, March 27, 2006

The House met pursuant to adjournment at 10:00 o'clock, A.M., this day and was called to order by the Speaker.

The roll was called and the following Representatives answered to their names:

Abdul-Salaam	Crawford	Hembree	Mangham	Royal
Amerson	Davis	Henson	Manning	Rynders
E Anderson	Dickson	Holt	Maxwell	Scott, A
Ashe	Dodson	Horne	May	Scott, M
Barnard	Drenner	Hugley	Meadows	Sheldon
E Benfield	Dukes	Jackson	Mills	Sims, C
Benton	England	James	E Morgan	Sims, F
Black	E Epps	Jamieson	Morris	E Smith, L
E Borders	E Everson	Jenkins	Mosley	Smith, P
Bridges	Floyd, J	Johnson	Mumford	Smith, R
Brooks	Fludd	Jones, S	Murphy, J	Smith, T
Bruce	Forster	Keen	Neal	Smith, V
Bryant	Franklin	Keown	Oliver	Talton
Buckner, D	Freeman	Kidd	O'Neal	Teilhet
Buckner, G	Gardner	Knight	Parrish	Thomas, B
Burns	Geisinger	Knox	Parsons	Tumlin
Butler	E Golick	Lakly	Porter	Warren
Byrd	Greene	Lane, B	Ray	Wilkinson
Carter	Harbin	Lane, R	Reece, B	Williams, A
Casas	Hatfield	Lewis	Reece, S	Williams, E
Chambers	Heard, J	Lord	Reese	Williams, R
Cheokas	Heard, K	Lunsford	Roberts	Yates
Coleman, B	E Heckstall	Maddox	Rogers	Richardson,
Cox				Speaker

The following members were off the floor of the House when the roll was called:

Representatives Barnes of the 78th, Bordeaux of the 162nd, Burkhalter of the 50th, Burmeister of the 119th, Channell of the 116th, Cole of the 125th, Coleman of the 144th, Cummings of the 16th, Dean of the 59th, Dollar of the 45th, Hanner of the 148th, Hill of the 21st, Hill of the 180th, Howard of the 121st, Hudson of the 124th, Jennings of the 82nd, Jordan of the 77th, Lucas of the 139th, Marin of the 96th, Martin of the 47th, Millar of the 79th, Mitchell of the 88th, Mosby of the 90th, Murphy of the 120th, Orrock of the 58th, Parham of the 141st, Powell of the 29th, Ralston of the 7th, Randall of the 138th, Sailor of the 93rd, Scheid of the 22nd, Setzler of the 35th, Shaw of the 176th, Sinkfield of the 60th, Smith of the 113th, Smyre of the 132nd, Stanley-Turner of the 53rd, Stephens of the 164th, Stephenson of the 92nd, Thomas of the 55th, Walker of the 107th, Watson of the 91st, Willard of the 49th, and Wix of the 33rd.

They wish to be recorded as present.

Prayer was offered by Pastor Alan Taylor, First Baptist Church of Woodstock, Woodstock, Georgia.

The members pledged allegiance to the flag.

Representative Heard of the 104th, Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business during the first part of the period of unanimous consents:

- 1. Introduction of Bills and Resolutions.
- 2. First reading and reference of House Bills and Resolutions.
- 3. Second reading of Bills and Resolutions.
- 4. Reports of Standing Committees.
- 5. Third reading and passage of Local uncontested Bills.
- 6. First reading and reference of Senate Bills and Resolutions.

By unanimous consent, the following Bill of the House was introduced, read the first time and referred to the Committee:

HB 1664. By Representative Brown of the 69th:

A BILL to be entitled an Act to amend an Act providing for homestead exemptions from Heard County ad valorem taxes for county purposes and from Heard County School District ad valorem taxes for educational purposes, approved April 13, 1992 (Ga. L. 1992, p. 6107), so as to increase the exemption for ad valorem taxes for educational purposes from \$10,000.00 to \$20,000.00 of the assessed value of the homestead of residents of the school district who are 65 years of age or older; to provide for

applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

By unanimous consent, the following Bill and Resolution of the House were read the second time:

HB 1663 HR 2003

Representative Willard of the 49th District, Chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your Committee on Judiciary has had under consideration the following Bill of the Senate and has instructed me to report the same back to the House with the following recommendation:

SB 101 Do Pass

Respectfully submitted, /s/ Willard of the 49th Chairman

Representative Ralston of the 7th District, Chairman of the Committee on Judiciary Non-Civil, submitted the following report:

Mr. Speaker:

Your Committee on Judiciary Non-Civil has had under consideration the following Bills and Resolution of the House and Senate and has instructed me to report the same back to the House with the following recommendations:

HR 1794	Do Pass, by Substitute	SB 408	Do Pass
SB 316	Do Pass, by Substitute	SB 429	Do Pass, by Substitute
SB 394	Do Pass, by Substitute	SB 522	Do Pass, by Substitute

Respectfully submitted, /s/ Ralston of the 7th Chairman

The following Resolutions of the House, referred to the House Rules Subcommittee on Invites, were reported by the Committee on Rules with the following recommendations:

HR 1466	Do Pass	HR 1554	Do Pass
HR 1467	Do Pass	HR 1556	Do Pass
HR 1553	Do Pass	HR 1659	Do Pass

Representative Smith of the 168th District, Chairman of the Committee on State Planning and Community Affairs, submitted the following report:

Mr. Speaker:

Your Committee on State Planning and Community Affairs - Local Legislation has had under consideration the following Bills of the Senate and has instructed me to report the same back to the House with the following recommendations:

SB 659	Do Pass
SB 680	Do Pass

Respectfully submitted, /s/ Smith of the 168th Chairman

The following report of the Committee on Rules was read and adopted:

HOUSE RULES CALENDAR MONDAY, MARCH 27, 2006

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 38th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

SB 306	Hospital/Nursing Home Liens; change notice/filing provision; effect of
	release
SB 465	General Provisions, O.C.G.A.; correct errors/omissions; reenact the
	statutory portion; provide necessary revisions/modernizations
SB 466	General Provisions, O.C.G.A; correct errors/omissions in Title 47

SB 467	General Provisions, O.C.G.A; correct errors/omissions in Title 21
SB 481	Motor Vehicles; registration/licensing; permit military personnel; minimum
	motor vehicles liability insurance through purchase in other states
SB 484	Colquitt, City of; declare as Georgia's First Mural City
SB 525	Tax Executions; change provisions regarding issuance; definition;
	procedures
SB 562	Georgia Higher Education Facilities Authority Act; create
SB 573	Land Transactions; development of condominium property; escrow funds
SB 597	Tax Appeal Procedures; recovery of certain appeal costs by taxpayer;
	change provisions
SB 636	Biodiesel Fuel; define term
SR 793	Ga. Public Defender Standards Council; ratifying the initial minimum
	standard; Standard for Removal for Cause

Modified Open Rule

SB 115	MARTA; reserve fund interest income used to pay operating cost;
	provision
SB 442	Child Abuse; reporting; change certain provisions
SB 450	Ad Valorem Taxation of Property; revise pay structure of certain county
	officers/officials; provide recalculation of min. salaries

Modified Structured Rule

SB 77	Feticide; parental notification; define/eliminate terms; provide reports
SB 420	Care of a Grandchild Act; power of attorney from parent to grandparent;
	create pilot program to provide subsidy to certain grandparents

Structured Rule

SR 785 Joint Comprehensive State Trauma Services Study Committee; create

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted, /s/ Ehrhart of the 36th Chairman

By unanimous consent, the following Bills of the Senate were taken up for consideration and read the third time:

SB 659. By Senator Grant of the 25th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Madison, approved October 6, 1891 (Ga. L. 1890-91, Vol. II, p. 827), as amended, so as to amend, consolidate, revise, and restate such charter and amendatory Acts amending such charter; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

SB 680. By Senator Bulloch of the 11th:

A BILL to be entitled an Act to amend an Act relating to the board of commissioners of Decatur County, approved March 4, 1935 (Ga. L. 1935, p. 630), as amended, so as to restate and revise the provisions of said Act; to provide for a comprehensive restatement; to change provisions relating to the chairperson and vice chairperson of the board and their selection, service, and powers and duties; to change provisions relating to meetings, a quorum, and voting; to modernize certain provisions and language and omit certain obsolete provisions; to provide for other related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

By unanimous consent, the following roll call vote was made applicable to the previously read Bills.

On the passage of the Bills, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Hill, C.A	Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
	***		-	,
Y Ashe	Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Dean	Y Houston	McClinton	Setzler
Barnes	Y Dickson	Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Hudson	Millar	Y Sheldon
Beasley-Teague	Dollar	Y Hugley	Y Mills	Y Sims, C
E Benfield	Y Drenner	Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	E Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Mosby	E Smith, L
E Borders	E Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	E Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Fleming	Johnson	Y Murphy, J	Smith, T
Y Brown	Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V

Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Jordan	Oliver	Stanley-Turner
Y Buckner, D	Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Orrock	Stephenson
Y Burkhalter	Freeman	Y Kidd	Y Parham	Y Talton
Burmeister	Y Gardner	Y Knight	Y Parrish	Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Thomas, A.M
Y Butler	E Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Watson
Y Channell	Y Harbin	Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Loudermilk	Y Reece, S	Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Lunsford	Rice	Y Williams, E
Y Coleman, B	E Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Y Mangham	Y Rogers	Wix
Cooper	Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson,
				Speaker

On the passage of the Bills, the ayes were 124, nays 0.

The Bills, having received the requisite constitutional majority, were passed.

Representatives Day of the 163rd, Dean of the 59th, and Forster of the 3rd stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the Senate and House:

SB 663. By Senators Thompson of the 5th, Unterman of the 45th, Weber of the 40th, Balfour of the 9th, Shafer of the 48th and others:

A BILL to be entitled an Act to amend an Act creating the Gwinnett County Arts Facility Authority, approved April 14, 1991 (Ga. L. 1991, p. 3542), so as to change the number of times each year the authority shall meet; to repeal conflicting laws; and for other purposes.

HB 801. By Representatives McCall of the 30th, Richardson of the 19th and Tumlin of the 38th:

A BILL to be entitled an Act to amend Code Section 43-33-18 of the Official Code of Georgia Annotated, relating to refusal to grant or restore licenses of physical therapists, discipline of licensees, and suspension, revocation, or restriction of licenses, so as to eliminate a requirement for consultation with appropriate licensed practitioners of the healing arts; to repeal conflicting laws; and for other purposes.

HB 831. By Representatives Warren of the 122nd, Howard of the 121st and Murphy of the 120th:

A BILL to be entitled an Act to amend an Act establishing the compensation of certain officials in Richmond County, approved April 12, 1982 (Ga. L. 1982, p. 3941), as amended, particularly by an Act approved February 4, 2002 (Ga. L. 2002, p. 3505), so as to provide for the compensation of certain officials in Richmond County; to provide for conforming amendments; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 834. By Representatives Roberts of the 154th, Royal of the 171st, Floyd of the 147th, McCall of the 30th, Lane of the 158th and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from state sales and use tax, so as to provide for an exemption regarding the sale of liquefied petroleum gas or other fuel used for certain swine raising purposes; to repeal conflicting laws; and for other purposes.

HB 1083. By Representatives Harbin of the 118th, Burmeister of the 119th and Fleming of the 117th:

A BILL to be entitled an Act to amend Chapter 15 of Title 20 of the Official Code of Georgia Annotated, relating to the Georgia Medical Center Authority, so as to change the definition of projects of the authority; to change certain purposes of the authority and to provide for additional purposes; to provide for an exemption from certain sales and use taxation; to repeal conflicting laws; and for other purposes.

HB 1168. By Representatives Stephens of the 164th, Burkhalter of the 50th, Parrish of the 156th and Amerson of the 9th:

A BILL to be entitled an Act to amend Chapter 6 of Title 3 of the Official Code of Georgia Annotated, relating to wine, so as to permit sales of distilled spirits, malt beverages, and wines not produced for consumption on the

premises at a tasting room of a winery; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1208. By Representatives Jones of the 44th, Tumlin of the 38th, Manning of the 32nd, Johnson of the 37th, Cooper of the 41st and others:

A BILL to be entitled an Act to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, approved February 9, 1949 (Ga. L. 1949, p. 427), as amended, so as to change the compensation of the deputy clerk of the superior court; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1236. By Representatives Wilkinson of the 52nd and Forster of the 3rd:

A BILL to be entitled an Act to amend Code Section 48-5-444 of the Official Code of Georgia Annotated, relating to place of return of motor vehicles and mobile homes, so as to provide for the registration of certain motor vehicles in the county where such vehicles are functionally located; to provide for a definition; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1240. By Representatives Coan of the 101st, Butler of the 18th, Knox of the 24th, Horne of the 71st, Cox of the 102nd and others:

A BILL to be entitled an Act to amend Chapter 9 of Title 34 of the O.C.G.A., relating to workers' compensation, so as to provide that the employer must provide notice to the employee within 60 days of the employee's release to return to work with restrictions or limitations; to provide that an employee must submit charges within one year of the date of incurring mileage expenses or the right to collect such charges shall be deemed to be waived; to increase the maximum death benefit to \$150,000.00 for the surviving spouse who is the sole dependent at the time of the employee's death; to require that physicians treating workers' compensation claimants comply with provisions against self-referral; to make a conforming amendment to Chapter 1B of Title 43 of the O.C.G.A., relating to patient self-referral; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1249. By Representatives Reece of the 27th, Stephens of the 164th, Channell of the 116th, Rogers of the 26th, Mills of the 25th and others:

A BILL to be entitled an Act to amend Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to the ad valorem taxation of

motor vehicles and mobile homes, so as to provide that watercraft held in inventory for resale shall be exempt from taxation; to provide for definitions; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

HB 1252. By Representatives Rice of the 51st, Murphy of the 23rd, Talton of the 145th and Dollar of the 45th:

A BILL to be entitled an Act to amend Chapter 13 of Title 43 of the Official Code of Georgia Annotated, relating to driver training schools, so as to provide for relevant definitions; to clarify the qualifications for a limited and temporary driver school permit; to provide qualifications for commercial driver training school operators; to provide standards for business names of driver training schools; to provide for fees; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 1273. By Representatives O'Neal of the 146th, Talton of the 145th and Morris of the 155th.

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to security deposits, so as to change certain provisions regarding placement of security deposits in escrow accounts; to repeal conflicting laws; and for other purposes.

HB 1282. By Representatives Ralston of the 7th and O'Neal of the 146th:

A BILL to be entitled an Act to amend Article 1 of Chapter 2 of Title 44 of the Official Code of Georgia Annotated, relating to the recording of deeds and other instruments, so as to provide for the filing of a notice of settlement; to provide for an index; to provide for a fee; to provide for a form; to provide for the effect of notice; to provide for duration; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 1292. By Representatives Keown of the 173rd, Neal of the 1st, Mills of the 25th, Buckner of the 130th, Borders of the 175th and others:

A BILL to be entitled an Act to amend Chapter 4 of Title 1 of the Official Code of Georgia Annotated, relating to holidays and observances, so as to create a prison chaplains appreciation day; to repeal conflicting laws; and for other purposes.

HB 1294. By Representatives Smith of the 113th, Floyd of the 147th and Royal of the 171st:

A BILL to be entitled an Act to amend an Act amending Chapter 16 of Title 50 of the O.C.G.A., relating to public property, and amending Part 2 of Article 2 of Chapter 3 of Title 20 of the O.C.G.A., relating to the university system, approved May 29, 2003 (Ga. L. 2003, p. 313), so as to delay the repeal of a certain provision of said Act until June 30, 2008; to eliminate the June 30, 2006, repeal of a certain provision of said Act; to amend Title 20 of the O.C.G.A., relating to education, so as to change certain provisions relating to nonlapsing revenue of institutions in the university system; to provide for certain nonlapsing revenue of institutions under the Department of Technical and Adult Education; to provide for automatic repeals of certain provisions; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1305. By Representatives Amerson of the 9th, Stephens of the 164th, Smith of the 113th, Royal of the 171st and Forster of the 3rd:

A BILL to be entitled an Act to amend Chapter 10 of Title 10 of the Official Code of Georgia Annotated, relating to the Seed-Capital Fund, so as to provide definitions; to provide for investment entities as to which the state is a sole limited liability owner; to provide means of investment of Seed-Capital Fund moneys by and through investment entities as to which the state is a sole limited liability owner; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 1326. By Representatives Coan of the 101st, Williams of the 4th, Butler of the 18th, Carter of the 159th, Cox of the 102nd and others:

A BILL to be entitled an Act to amend Code Section 34-8-156 of the Official Code of Georgia Annotated, relating to the State-wide Reserve Ratio for unemployment compensation, so as to change certain provisions regarding adjustment in contribution rates; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1358. By Representatives Coleman of the 97th, Golick of the 34th, Smith of the 129th, Jones of the 46th, Benton of the 31st and others:

A BILL to be entitled an Act to amend Code Section 20-2-182 of the Official Code of Georgia Annotated, relating to program weights, maximum class size, and reporting requirements under the "Quality Basic Education Act," so as to change certain provisions relating to maximum class size requirements; to

provide for legislative intent; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1361. By Representatives Martin of the 47th, Royal of the 171st, Graves of the 137th and Wilkinson of the 52nd:

A BILL to be entitled an Act to amend Chapter 44 of Title 36 of the Official Code of Georgia Annotated, the "Redevelopment Powers Law," so as to change certain definitions; to change certain provisions regarding minimum millage rate requirements; to change certain provisions relative to creation of tax allocation districts; to change certain provisions regarding payments in lieu of taxes to certain political subdivisions; to amend Code Section 48-5-32.1, relating to certification of assessed taxable value of property and method of computation, so as to make certain conforming changes thereto; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

HB 1404. By Representatives McCall of the 30th, Roberts of the 154th and Crawford of the 127th:

A BILL to be entitled an Act to amend Article 2 of Chapter 10 of Title 2 of the Official Code of Georgia Annotated, relating to farmers' markets, so as to change certain provisions relating to authority of the Commissioner of Agriculture to provide for safety and security at farmers' markets; to provide for law enforcement on the premises of farmers' markets; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1405. By Representatives Coan of the 101st, Burkhalter of the 50th, Heard of the 104th, Keen of the 179th, England of the 108th and others:

A BILL to be entitled an Act to amend Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to workers' compensation, so as to require that a claim be proven or documented within 36 months after a notice of claim is filed; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1423. By Representative Cox of the 102nd:

A BILL to be entitled an Act to amend Code Section 15-6-3 of the Official Code of Georgia Annotated, relating to the terms of court for the superior courts, so as to change the terms of the superior court in Gwinnett County; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1428. By Representatives Meadows of the 5th and Graves of the 12th:

A BILL to be entitled an Act to provide for homestead exemptions from City of Calhoun independent school district ad valorem taxes for educational purposes in the amount of \$40,000.00 of the assessed value of the homestead for residents of that school district who are at least 65 but less than 70 years of age and in the amount of \$100,000.00 of the assessed value of the homestead for residents of that school district who are 70 years of age or over; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 1429. By Representatives Graves of the 12th and Meadows of the 5th:

A BILL to be entitled an Act to provide for homestead exemptions from Gordon County school district ad valorem taxes for educational purposes in the amount of \$40,000.00 of the assessed value of the homestead for residents of that school district who are at least 65 but less than 70 years of age and in the amount of \$100,000.00 of the assessed value of the homestead for residents of that school district who are 70 years of age or older; to provide for definitions; to specify the terms and conditions of the exemptions and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 1435. By Representatives Burmeister of the 119th, Brown of the 69th, Lunsford of the 110th and Walker of the 107th:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to add certain definitions; to authorize an attendant care giver to provide assistance in voting an absentee ballot; to provide for the manner of assistance in voting for persons with disabilities; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1483. By Representative Parsons of the 42nd:

A BILL to be entitled an Act to amend Code Section 20-2-212 of the Official Code of Georgia Annotated, relating to salary schedules for certificated personnel under the "Quality Basic Education Act," so as to require two public hearings prior to decreasing any local salary supplement when there has been

an increase in the state minimum salary schedule; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1496. By Representatives Hatfield of the 177th, Sims of the 169th, Smith of the 168th and Mosley of the 178th:

A BILL to be entitled an Act to amend Code Section 15-6-3 of the Official Code of Georgia Annotated, relating to the terms of superior courts, so as to change the term of court in Bacon, Brantley, Charlton, Coffee, Pierce, and Ware counties in the Waycross Circuit; to repeal conflicting laws; and for other purposes.

HB 1542. By Representative Ralston of the 7th:

A BILL to be entitled an Act to amend Chapter 41 of Title 43 of the Official Code of Georgia Annotated, relating to residential and general contractors, so as to extend the date by which the licensing requirements imposed by the chapter become effective; to extend the date by which persons must meet and apply to be licensed without examination; to change provisions relating to licensure involving a reciprocal agreement; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 1544. By Representatives Mumford of the 95th, Stephenson of the 92nd and Mangham of the 94th:

A BILL to be entitled an Act to provide that the chief magistrate and other magistrates of the Magistrate Court of Rockdale County meet certain qualifications to hold office; to provide that such chief magistrate and other magistrates must have actively practiced law for at least three years in this state immediately before taking office; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1545. By Representatives Beasley-Teague of the 65th and Fludd of the 66th:

A BILL to be entitled an Act to authorize the City of Union City to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

HB 1600. By Representatives Butler of the 18th, Bearden of the 68th and Brown of the 69th:

A BILL to be entitled an Act to amend an Act relating to the board of education and school superintendent of the Carroll County School District, approved March 20, 1985 (Ga. L. 1985, p. 3945), as amended, so as to reconstitute the board of education; to change the descriptions of the education districts; to provide for definitions and inclusions; to provide for the election and terms of office of members of the board; to provide for vacancies; to provide for eligibility and qualifications; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 1620. By Representatives Mangham of the 94th, Watson of the 91st, Stephenson of the 92nd, Mosby of the 90th, Orrock of the 58th and others:

A BILL to be entitled an Act to provide a new charter for the City of Lithonia in DeKalb County, Georgia; to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, method of filling vacancies, compensation, qualifications, prohibitions, and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for organization and procedures; to provide for ordinances and codes; to provide for the office of mayor and certain duties and powers relative thereto; to provide for administrative responsibilities; to provide for boards, commissions, and authorities and other personnel; to provide for rules and regulations; to provide for a municipal court and the judge or judges thereof; to provide for practices and procedures; to provide for taxation and fees; to provide for severability; to repeal conflicting laws; and for other purposes.

HB 1626. By Representatives Burns of the 157th and Carter of the 159th:

A BILL to be entitled an Act to annex certain territory into the City of Guyton and change the corporate limits of the city; to provide for related matters; to provide for a referendum; to provide for submission; to provide effective dates; to repeal conflicting laws; and for other purposes.

HB 1627. By Representatives Rynders of the 152nd and Hanner of the 148th:

A BILL to be entitled an Act to amend an Act to create the Lee County Parks and Recreation Authority, approved May 17, 2004 (Ga. L. 2004, p. 3788), so

as to provide terms for members; to provide for the removal of office for cause; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

HB 1629. By Representatives Rynders of the 152nd and Hanner of the 148th:

A BILL to be entitled an Act to amend an Act creating the Lee County Utilities Authority, approved April 17, 1992 (Ga. L. 1992, p. 6419), as amended, particularly by an Act approved May 5, 2005 (Ga. L. 2005, p. 3697), so as to provide for terms for authority members; to provide for removal from office of authority members under certain circumstances; to provide for related matters; to provide for an effective date and for applicability; to repeal conflicting laws; and for other purposes.

HB 1630. By Representatives Rynders of the 152nd and Hanner of the 148th:

A BILL to be entitled an Act to amend an Act entitled "An Act to create a Board of Commissioners of Roads and Revenues, and public buildings, and public property, and finances for the County of Lee," approved August 6, 1921 (Ga. L. 1921, p. 517), as amended, so as to provide for the establishment of terms of offices for members of local authorities; to provide for the removal of members of such authorities for cause; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate has passed by substitute, by the requisite constitutional majority, the following bills of the House:

HB 239. By Representatives Fleming of the 117th, Keen of the 179th, Burkhalter of the 50th, Parrish of the 156th, Cooper of the 41st and others:

A BILL to be entitled an Act to amend Title 9 of the Official Code of Georgia Annotated, relating to civil practice, so as to provide for the manner of making certain settlement offers in certain civil actions; to provide that a party rejecting a settlement offer may be liable for litigation costs where a judgment is significantly less favorable to the rejecting party than was the settlement offer; to provide for practice and procedure; to provide for related matters; to provide an effective date and applicability; to repeal conflicting laws; and for other purposes.

HB 268. By Representatives Crawford of the 127th, Fleming of the 117th and Ralston of the 7th:

A BILL to be entitled an Act to amend Article 1 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to district attorneys, so as to change the provisions relating to the compensation of district attorneys, assistant district attorneys, district attorney investigators, and assistant district attorneys who temporarily substitute for a district attorney who dies or resigns during the term of office; to change the provisions relating to additional personnel for district attorneys' offices; to amend Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to compensation of certain state officials, so as to change the annual salary of district attorneys; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 379. By Representatives Bridges of the 10th, Cummings of the 16th, Heath of the 31st and Heath of the 31st:

A BILL to be entitled an Act to amend Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to the Employees' Retirement System of Georgia, so as to provide that a member of such retirement system employed on or after July 1, 2006, who has an impairment which prevents him or her from performing his or her duties in the position he or she held at the onset of the impairment shall not be entitled to receive a disability allowance unless his or her employer certifies that there is no available position comparable in compensation which such employee is capable of performing; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 860. By Representatives Henson of the 87th, Watson of the 91st, Drenner of the 86th, Williams of the 89th, Sinkfield of the 60th and others:

A BILL to be entitled an Act to amend an Act establishing the DeKalb County districts from which the members of the county board of education shall be elected, approved April 12, 1963 (Ga. L. 1963, p. 3424), as amended, particularly by an Act approved March 19, 1987 (Ga. L. 1987, p. 4538), so as to change the compensation of the members of the board of education; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1054. By Representatives Stephens of the 164th, Parham of the 141st, Parrish of the 156th, Graves of the 137th and Carter of the 159th:

A BILL to be entitled an Act to amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, so as to change certain provisions relating to Schedule I controlled substances; to change certain provisions relating to Schedule IV controlled substances; to change

certain provisions relating to the definition of the term "dangerous drug"; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1145. By Representatives Ralston of the 7th, Mumford of the 95th and Forster of the 3rd:

A BILL to be entitled an Act to amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to change provisions relating to mental health proceedings; to provide for definitions; to reorganize certain provisions of the article for clarity; to require a child to be represented by an attorney if the child is being evaluated for competency; to change certain provisions relating to the content of an evaluator's report; to provide for least restrictive environments, where possible; to provide certain information to victims; to provide for disposition where a child will not become competent; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1184. By Representatives Stephens of the 164th and Bryant of the 160th:

A BILL to be entitled an Act to amend Part 5 of Article 1 of Chapter 6 of Title 12 of the Official Code of Georgia Annotated, relating to the Herty Foundation, so as to change the name of the Herty Foundation; to provide for modifying the purpose for the foundation; to provide for creating a subsidiary corporation for the foundation; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1244. By Representatives Scott of the 2nd, Reece of the 27th, Chambers of the 81st, Williams of the 4th, Graves of the 12th and others:

A BILL to be entitled an Act to amend Code Section 48-9-3 of the Official Code of Georgia Annotated, relating to the levy of the motor fuel tax, so as to change certain provisions regarding exemptions of sales by duly licensed bulk distributors with respect to public mass transit bases; to repeal conflicting laws; and for other purposes.

HB 1372. By Representative Harbin of the 118th:

A BILL to be entitled an Act to amend Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to employees' insurance and benefit plans, so as to provide for mechanisms for termination of coverage for nonpayment of premium; to provide for notification to employers; to provide for the introduction and consideration of bills impacting the state health

benefit plans; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1373. By Representatives Harbin of the 118th, Burkhalter of the 50th and Keen of the 179th:

A BILL to be entitled an Act to amend Article 1 of Chapter 5 of Title 28 of the Official Code of Georgia Annotated, relating to general provisions relative to financial affairs, and Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating to the Governor, so as to change provisions relating to the state budget process and budgetary information; to repeal the creation of the Budgetary Responsibility Oversight Committee and matters relative thereto; to provide for certain reports with respect to federal funds and other agency funds; to repeal certain duties and responsibilities of the Budgetary Responsibility Oversight Committee; to repeal conflicting laws; and for other purposes.

HB 1436. By Representatives Smith of the 113th, Ehrhart of the 36th, Chambers of the 81st, Drenner of the 86th, Burkhalter of the 50th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 6 of Title 3 of the O.C.G.A., relating to general provisions relative to wine, so as to authorize restaurant patrons to remove for off-premises consumption a resealed partially consumed bottle of wine that was purchased with a full-course meal; to provide for a definition of the term full-course meal; to amend Article 11 of Chapter 6 of Title 40 of the O.C.G.A., relating to miscellaneous provisions of the uniform rules of the road, so as to provide that a resealed partially consumed bottle of wine that was purchased with a full-course meal is not an open alcoholic beverage container for purposes of the prohibition against possessing an open container of alcohol in the passenger area of a motor vehicle; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1451. By Representatives Sheldon of the 105th, Knox of the 24th, Walker of the 107th, Byrd of the 20th, Channell of the 116th and others:

A BILL to be entitled an Act to amend Article 7A of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to the Long-term Care Partnership Program, so as to revise certain definitions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1456. By Representatives Meadows of the 5th, Maxwell of the 17th, Smith of the 131st, Forster of the 3rd, Holt of the 112th and others:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to provide availability of an accident and sickness policy upon termination of dependent coverage based on the age of the dependent; to change requirements as to individual accident and sickness policies to insure certain dependent children of the insured up to and including age 25; to provide an exception for certain matters concerning renewability of individual accident and sickness policies; to provide for the Commissioner to promulgate rules and regulations; to require that certain group accident and sickness insurance policies insure certain dependent children of the insured up to and including age 25; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has passed as amended, by the requisite constitutional majority, the following bills of the House:

HB 513. By Representatives Scott of the 153rd and Day of the 163rd:

A BILL to be entitled an Act to amend Code Section 40-5-2 of the Official Code of Georgia Annotated, relating to keeping of records of applications for licenses and information on licensees and furnishing of information, so as to provide for furnishing of driver history information; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1211. By Representatives Reese of the 98th, Lane of the 158th, Ralston of the 7th, Holt of the 112th, Crawford of the 127th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to state symbols, so as to designate the Southern Appalachian brook trout as the official state cold water game fish; to provide for legislative findings; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1216. By Representatives Freeman of the 140th, Rice of the 51st, Porter of the 143rd, Talton of the 145th, Byrd of the 20th and others:

A BILL to be entitled an Act to amend Part 5 of Article 1 of Chapter 8 of Title 40 of the Official Code of Georgia Annotated, relating to equipment of law enforcement and emergency vehicles, so as to allow the use of properly equipped all-terrain vehicles by law enforcement agencies; to provide for

related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

By unanimous consent, the following Bill of the Senate was read the first time and referred to the Committee:

SB 663. By Senators Thompson of the 5th, Unterman of the 45th, Weber of the 40th, Balfour of the 9th, Shafer of the 48th and others:

A BILL to be entitled an Act to amend an Act creating the Gwinnett County Arts Facility Authority, approved April 14, 1991 (Ga. L. 1991, p. 3542), so as to change the number of times each year the authority shall meet; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

The following members were recognized during the period of Morning Orders and addressed the House:

Buckner of the 76th and Fludd of the 66th.

The following Resolutions of the House, favorably reported by the Committee on Rules, were read and adopted:

HR 1466. By Representative Yates of the 73rd:

A RESOLUTION commending Matt Dettmering for his role in saving the life of Kenny Edwards and inviting him to appear before the House of Representatives; and for other purposes.

HR 1467. By Representative Yates of the 73rd:

A RESOLUTION commending Thomas Sellers for his role in saving the life of Kenny Edwards and inviting him to appear before the House of Representatives; and for other purposes.

HR 1553. By Representative Reese of the 98th:

A RESOLUTION commending Matt Dettmering, Jeff Dillard, Arthur Page, Thomas Sellers, and Vincent Washington for saving the life of Kenny Edwards; inviting Kenny Edwards to appear before the House of Representatives; and for other purposes.

HR 1554. By Representatives Mumford of the 95th and Reese of the 98th:

A RESOLUTION commending Vincent Washington for his role in saving the life of Kenny Edwards and inviting him to appear before the House of Representatives; and for other purposes.

HR 1556. By Representative Butler of the 18th:

A RESOLUTION commending Arthur Page for his role in saving the life of Kenny Edwards and inviting him to appear before the House of Representatives; and for other purposes.

HR 1659. By Representatives Maxwell of the 17th, Richardson of the 19th, Reese of the 98th, Cox of the 102nd and Geisinger of the 48th:

A RESOLUTION commending Jeff Dillard for his role in saving the life of Kenny Edwards and inviting him to appear before the House of Representatives; and for other purposes.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate adheres to its disagreement to the House substitute and has appointed a Committee of Conference to confer with a like committee on the part of the House on the following bill of the Senate:

SB 529. By Senators Rogers of the 21st, Hamrick of the 30th, Douglas of the 17th, Schaefer of the 50th, Seabaugh of the 28th and others:

A BILL to be entitled an Act to amend Title 13 of the O.C.G.A., relating to contracts, Title 16 of the O.C.G.A., relating to crimes and offenses, Title 34 of the O.C.G.A., relating to labor, Title 35 of the O.C.G.A., relating to law enforcement, and Title 50 of the O.C.G.A., relating to state government, so as to provide for the comprehensive regulation of persons in this state who are not lawfully present in the United States; to provide for a short title; to provide for statutory construction; to provide for procedures and requirements applicable to certain contracts or subcontracts; to prohibit certain retaliation; to provide for enforcement, penalties, and exceptions; to provide for offenses regarding involuntary servitude, trafficking of persons for forced labor or services, and sexual servitude of a minor; to provide for related matters; to provide for

effective dates; to provide for applicability; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Kemp of the 46th, Seabaugh of the 28th, and Rogers of the 21st.

Representative Reece of the 27th assumed the Chair.

Under the general order of business, established by the Committee on Rules, the following Bill and Resolutions of the Senate were taken up for consideration and read the third time:

SR 785. By Senators Johnson of the 1st, Staton of the 18th, Williams of the 19th, Thomas of the 54th and Balfour of the 9th:

A RESOLUTION creating a Joint Comprehensive State Trauma Services Study Committee; and for other purposes.

The report of the Committee, which was favorable to the adoption of the Resolution, was agreed to.

On the adoption of the Resolution, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Y Setzler
Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Dodson	Y Hudson	Y Millar	Y Sheldon
Beasley-Teague	Dollar	Y Hugley	Y Mills	Sims, C
E Benfield	Y Drenner	Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	E Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Mosby	Y Smith, L
E Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	E Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Thomas, A.M
Y Butler	E Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin

Y Carter	E Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	E Lunsford	Rice	Y Williams, E
Y Coleman, B	E Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Cooper	Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Marin	Y Rynders	Richardson,
				Speaker

On the adoption of the Resolution, the ayes were 144, nays 0.

The Resolution, having received the requisite constitutional majority, was adopted.

Representative Stanley-Turner of the 53rd stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

The Speaker assumed the Chair.

SR 793. By Senators Hamrick of the 30th and Smith of the 52nd:

A RESOLUTION ratifying the initial minimum standard promulgated by the Georgia Public Defender Standards Council, hereinafter referred to as the "Standards Council," entitled "Standard for Removal of a Circuit Public Defender for Cause Pursuant to O.C.G.A. § 17-12-20," hereinafter referred to as the "Standard for Removal for Cause"; to provide for an effective date; and for other purposes.

The report of the Committee, which was favorable to the adoption of the Resolution, was agreed to.

On the adoption of the Resolution, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Sheldon
Beasley-Teague	Dollar	Y Hugley	Y Mills	Sims, C
E Benfield	Y Drenner	Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	E Morgan	Y Sinkfield

Y Black	Y Ehrhart	Y James	Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
E Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	E Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Thomas, A.M
Butler	E Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Tumlin
Y Carter	E Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	E Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Cooper	Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson,
				Speaker

On the adoption of the Resolution, the ayes were 149, nays 0.

The Resolution, having received the requisite constitutional majority, was adopted.

Representative Thomas of the 55th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

SB 306. By Senators Hamrick of the 30th and Harp of the 29th:

A BILL to be entitled an Act to amend Part 8 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to hospital and nursing home liens, so as to change notice and filing provisions with respect to certain liens; to change a provision relating to the effect of release or covenant not to sue on hospitals and other medical provider liens; to change a provision relating to the effect of this part on a settlement or release entered into before entry into a hospital, nursing home, or traumatic burn care medical facility; to provide for related matters; to repeal conflicting laws; and for other purposes.

Representative Jamieson of the 28th moved that further consideration of SB 306 be suspended until later in the legislative day.

The motion prevailed.

The following Bill and Resolution of the House were taken up for the purpose of considering the Senate substitute or amendment thereto:

HR 1306. By Representatives Golick of the 34th, Willard of the 49th, Richardson of the 19th, Roberts of the 154th, Smith of the 129th and others:

A RESOLUTION proposing an amendment to the Constitution so as to require that the condemnation of property for redevelopment purposes must be approved by vote of the elected governing authority of the county or city in which the property is located; to restrict the use of eminent domain for redevelopment purposes to the elimination of affirmative harm; to provide that the use of eminent domain by counties and municipalities shall be subject to limitation by general law; to prohibit the use of eminent domain by certain nonelected local authorities; to provide for submission of this amendment for ratification or rejection; and for other purposes.

The following Senate amendment was read:

The Senate moves to amend HR 1306 by striking lines 19 through 21 on page 1 and inserting in lieu thereof the following:

purposes by any entity, except for public use, as defined by general law.

By striking lines 27 through 28 on page 2 and inserting in lieu thereof the following:

() NO contested use of eminent domain except for public use as defined by

Representative Golick of the 34th moved that the House agree to the Senate amendment to HR 1306.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	E Maxwell	Y Scheid
E Anderson	Y Davis	Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Hudson	Y Millar	Y Sheldon

Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Sims, C
E Benfield	Y Drenner	Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	E Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	E Morris	Y Smith, B
Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	E Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	E Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	E Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Hanner	Y Lindsey	Y Ray	Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	E Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson,
				Speaker

On the motion, the ayes were 155, nays 0.

The motion prevailed.

Representative Holt of the 112th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

Representative Franklin of the 43rd was excused on the preceding roll call. He wished to be recorded as voting "nay" thereon.

HB 111. By Representative O'Neal of the 146th:

A BILL to be entitled an Act to amend Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use taxes, so as to change certain definitions regarding such taxes; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL

To amend Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use taxes, so as to change the definition of the term "dealer" for purposes of sales and use taxation; to change certain provisions regarding payment of sales and use tax by contractors furnishing tangible personal property and services; to provide for a definition; to provide for powers, duties, and authority of the state revenue commissioner; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use taxes, is amended by striking paragraph (3) of Code Section 48-8-2, relating to definitions regarding sales and use tax, and inserting in its place a new paragraph (3) to read as follows:

- "(3) 'Dealer' means every person who:
 - (A) Has sold at retail, used, consumed, distributed, or stored for use or consumption in this state tangible personal property and who cannot prove that the tax levied by this article has been paid on the sale at retail or on the use, consumption, distribution, or storage of the tangible personal property;
 - (B) Imports or causes to be imported tangible personal property from any state or foreign country for sale at retail, or for use, consumption, distribution, or storage for use or consumption in this state;
 - (C) Is the lessee or renter of tangible personal property and who pays to the owner of the property a consideration for the use or possession of the property without acquiring title to the property;
 - (D) Leases or rents tangible personal property for a consideration, permitting the use or possession of the property without transferring title to the property;
 - (E) Maintains or has within this state, indirectly or by a subsidiary, an office, distributing house, distribution center, salesroom, or house, sales office, warehouse, service enterprise, or any other place of business;
 - (F) Manufactures or produces tangible personal property for sale at retail or for use, consumption, distribution, or storage for use or consumption in this state;
 - (G) Sells at retail, offers for sale at retail, or has in his possession for sale at retail, or for use, consumption, distribution, or storage for use or consumption in this state tangible personal property;
 - (H) Solicits business by representatives an agent, employee, representative, or any other person; or engages
 - (I) Engages in the regular or systematic solicitation of a consumer market in this state, <u>unless the dealer's only activity in this state is:</u> by the distribution of catalogs, periodicals, advertising fliers, or other advertising, or by means of print, radio, or television media, by telegraphy, telephone, computer data base, cable optic,

microwave, or other communication system. Each dealer as defined in this subparagraph shall collect the tax imposed by this article from the purchaser, lessee, or renter, as applicable, and no action seeking either legal or equitable relief on a sale, lease, rental, or other transaction may be had in this state by the dealer unless it is affirmatively shown that this article has been fully complied with; or

- (i) Advertising or solicitation by:
 - (I) Direct mail, catalogs, periodicals, or advertising fliers;
 - (II) Means of print, radio, or television media; or
 - (III) Telephone, computer, the Internet, cable, microwave, or other communication system; or
- (ii) The delivery of tangible personal property within this state solely by common carrier or United States mail.

The exceptions provided in divisions (i) and (ii) of this subparagraph shall not apply to any requirements under Code Section 48-8-14;

- (J) Is an affiliate that sells at retail, offers for sale at retail in this state, or engages in the regular or systematic solicitation of a consumer market in this state through a related dealer located in this state unless:
 - (i) The in-state dealer to which the affiliate is related does not engage in any of the following activities on behalf of the affiliate:
 - (I) Advertising;
 - (II) Marketing;
 - (III) Sales; or
 - (IV) Other services; and
 - (ii) The in-state dealer to which the affiliate is related accepts the return of tangible personal property sold by the affiliate and also accepts the return of tangible personal property sold by any person or dealer that is not an affiliate on the same terms and conditions as an affiliate's return;

As used in this subparagraph, the term 'affiliate' means any person that is related directly or indirectly through one or more intermediaries, controls, is controlled by, is under common control with, or is subject to the control of a dealer described in subparagraphs (A) through (I) of this paragraph or in this subparagraph; or

- (I)(K) Notwithstanding any of the provisions contained in this paragraph, with respect to a person that is not a resident or domiciliary of Georgia, that does not engage in any other business or activity in Georgia, and that has contracted with a commercial printer for printing to be conducted in Georgia, such person shall not be deemed a 'dealer' in Georgia merely because such person:
 - (i) Owns tangible or intangible property which is located at the Georgia premises of a commercial printer for use by such printer in performing services for the owner;
 - (ii) Makes sales and distributions of printed material produced at and shipped or distributed from the Georgia premises of the commercial printer;

- (iii) Performs activities of any kind at the Georgia premises of the commercial printer which are directly related to the services provided by the commercial printer; or
- (iv) Has printing, including any printing related activities, and distribution related activities performed by the commercial printer in Georgia for or on its behalf, nor shall such person, absent any contact with Georgia other than with or through the use of the commercial printer or the use of the United States Postal Service or a common carrier, have an obligation to collect sales or use tax from any of its customers located in Georgia based upon the activities described in divisions (i) through (iv) of this subparagraph. In no event described in this subparagraph shall such person be considered to have a fixed place of business in Georgia at either the commercial printer's premises or at any place where the commercial printer performs services on behalf of that person.
- (L) Each dealer shall collect the tax imposed by this article from the purchaser, lessee, or renter, as applicable, and no action seeking either legal or equitable relief on a sale, lease, rental, or other transaction may be had in this state by the dealer unless the dealer has fully complied with this article.
- (M) The commissioner shall promulgate such rules and regulations necessary to administer this paragraph, including other such information, applications, forms, or statements as the commissioner may reasonably require."

SECTION 2.

Said chapter is further amended by striking Code Section 48-8-63, relating to payment of sales and use tax by contractors furnishing tangible personal property and services, and inserting in its place a new Code Section 48-8-63 to read as follows:

"48-8-63.

- (a) As used in this Code section, the term 'nonresident subcontractor' means a person who does not have a bona fide place of business in Georgia through the maintaining of a permanent domicile or business facility engaged in contracting real property work and who contracts with a prime or general contractor to perform all or any part of the contract of the prime or general contractor or who contracts with a subcontractor who has contracted to perform any part of the contract entered into by the prime or general contractor.
- (a)(b) Each person who orally, in writing, or by purchase order contracts to furnish tangible personal property and to perform services under the contract within this state shall be deemed to be the consumer of the tangible personal property and shall pay the sales tax imposed by this article at the time of the purchase. Any person so contracting who fails to pay the sales tax at the time of the purchase or at the time the sale is consummated outside the limits of this state shall be liable for the payment of the sales or use tax. This Code section shall not relieve the dealer who made the sale from such dealer's liability to collect and pay the tax on purchases by a contractor.
- (b)(c) Each person who contracts to perform services in this state and who is furnished tangible personal property for use under the contract by the person, or such person's

agent or representative, for whom the contract is to be performed, when a sales or use tax has not been paid to this state by the person supplying the tangible personal property, shall be deemed to be the consumer of the tangible personal property so used and shall pay a use tax based on the fair market value of the tangible personal property so used irrespective of whether any right, title, or interest in the tangible personal property becomes vested in the contractors.

- (e)(d) Each person who orally, in writing, or by purchase order contracts to perform any service the principal part of which is the furnishing of machinery which will not be under the exclusive control of the contractor shall be liable to collect a sales tax on the rental value of the machinery so used. If labor and other charges are not separated from the rental charge, the person so contracting shall be liable to collect a sales tax on the entire contract price.
 - (d)(e)(1) Any subcontractor who enters into a construction contract with a general or prime contractor shall be liable under this article as a general or prime contractor. Any general or prime contractor who enters into any construction contract or contracts with any <u>nonresident</u> subcontractor, where the total amount of such contract or contracts between such general or prime contractor and any <u>nonresident</u> subcontractors on any given project equals or exceeds \$250,000.00 shall withhold up to 4 percent of the payments due the <u>nonresident</u> subcontractor in satisfaction of any sales or use taxes owed this state.
 - (2) The prime or general contractor shall withhold payments on all contracts that meet the criteria specified in paragraph (1) of this subsection until the <u>nonresident</u> subcontractor furnishes such prime or general contractor with a certificate issued by the commissioner showing that all sales taxes accruing by reason of the contract between the <u>nonresident</u> subcontractor and the general or prime contractor have been paid and satisfied. If the prime or general contractor for any reason fails to withhold up to 4 percent of the payments due the <u>nonresident</u> subcontractor under their contract, such prime or general contractor shall become liable for any sales or use taxes due or owed this state by the <u>nonresident</u> subcontractor.
- (e)(f) Whenever a <u>nonresident</u> subcontractor holding a contract with a general or prime contractor has posted with the commissioner either a good and valid bond with a surety company authorized to do business in this state or legal securities in an amount of not less than \$5,000.00 nor more than \$50,000.00, as determined by the commissioner, conditioned that all sales and use taxes which may accrue to this state on account of the execution of contracts that meet the criteria established in paragraph (1) of subsection (e) of this Code section by <u>nonresident</u> subcontractors will be paid when due, no general or prime contractor shall withhold any sums due the <u>nonresident</u> subcontractor under their contract with respect to sales and use taxes.
- (f)(g) Nothing contained in this Code section shall be construed to impose any sales or use tax with respect to the use of tangible personal property owned by the United States in the performance of contracts with the United States when the property is not actually used up and consumed in the performance of the contract. Tangible personal property incorporated into real property construction which loses its identity as tangible personal

property shall be deemed to be used up and consumed within the meaning of this subsection.

- (g)(h)(1) Nothing contained in this Code section shall be construed to impose any sales or use tax with respect to the use of tangible personal property owned by the State of Georgia, the University System of Georgia, or any county, municipality, local board of education, or other political subdivision of this state in the performance of contracts with such entities when the property is not actually used up and consumed in the performance of the contract. Tangible personal property incorporated into real property construction which loses its identity as tangible personal property shall be deemed to be used up and consumed within the meaning of this subsection. Any governmental entity which furnishes tangible personal property to a contractor for incorporation into a construction, renovation, or repair project conducted pursuant to a contract with such governmental entity shall issue advance written notice to such contractor of the amount of tax owed for such tangible personal property. The failure of the governmental entity to issue such advance written notice to the contractor of such tax liability shall render such governmental entity liable for such tax.
- (2) This subsection shall not apply with respect to the use of tangible personal property owned by the United States.
- (i) The commissioner is authorized to prescribe forms and promulgate rules and regulations deemed necessary in order to administer and effectuate this Code section."

SECTION 3.

This Act shall become effective July 1, 2006.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

Representative Lewis of the 15th moved that the House agree to the Senate substitute to HB 111.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	E Maxwell	Scheid
E Anderson	Y Davis	Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Setzler
Y Barnes	Y Dickson	Howard, E	Y Meadows	Shaw
Y Bearden	Dodson	Y Hudson	Y Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Sims, C
E Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	E Morgan	Y Sinkfield
Y Black	Ehrhart	Y James	E Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Everson	Jennings	Mumford	Y Smith, R

Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	E Graves, T	Y Lane, R	Y Ralston	Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Hanner	Y Lindsey	Y Ray	Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Hatfield	Y Loudermilk	Y Reece, S	Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	E Lunsford	Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Cooper	Henson	Y Manning	Y Royal	Y Yates
Y Cox	Hill, C	Y Marin	Y Rynders	Richardson,
				Speaker

On the motion, the ayes were 141, nays 0.

The motion prevailed.

The following Bill of the Senate was taken up for the purpose of considering the Senate's disagreeing to the House amendment thereto:

SB 209. By Senators Stoner of the 6th, Butler of the 55th, Pearson of the 51st and Hill of the 32nd:

A BILL to be entitled an Act to amend Chapter 2 of Title 46 of the Official Code of Georgia Annotated, relating to the Public Service Commission, so as to change the time period for issuance of a commission order after a hearing regarding a gas supply plan and adjustment factors filed by a gas utility; to repeal conflicting laws, and for other purposes.

Representative Wix of the 33rd moved that the House recede from its position in amending SB 209.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	E Maxwell	Y Scheid
E Anderson	Y Davis	Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	McCall	Y Scott M

Y Barnard	Y Dean	Y Houston	McClinton	Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Sims, C
E Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	E Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	E Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Smith, L
Y Borders	Y Epps	Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	O'Neal	Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	E Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	N Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Hatfield	N Loudermilk	Y Reece, S	Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	E Lunsford	Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson,
				Speaker

On the motion, the ayes were 149, nays 2.

The motion was prevailed.

Representative Jenkins of the 8th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has disagreed to the House substitute to the following bill of the Senate:

SB 500. By Senators Stephens of the 27th, Wiles of the 37th, Staton of the 18th and Hill of the 32nd:

A BILL to be entitled an Act to provide a short title; to amend Part 5 of Article 9 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to electronic recording voting systems, so as to require all electronic recording voting systems to produce a permanent paper record of the votes recorded on such systems for each voter; to provide that voters have an opportunity to verify such record after voting; to provide for certain storage devices for such systems; to provide that such paper records be retained for use in recounts and election challenge proceedings; to provide for procedures for voting on electronic recording voting systems; to provide for a pilot program during the 2006 November general election and any runoff therefrom in certain counties; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

The Senate insists on its substitute to the following bill of the House:

HB 194. By Representatives Martin of the 47th, Burkhalter of the 50th, Amerson of the 9th, Royal of the 171st, Ashe of the 56th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of income tax, so as to provide for income tax credits with respect to teleworking for a limited period of time; to provide for definitions; to provide for conditions, limitations, and exclusions; to provide for powers, duties, and authority of the state revenue commissioner with respect to the foregoing; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

The following Bill of the House was taken up for the purpose of considering the Senate amendment thereto:

HB 1090. By Representatives Harbin of the 118th, Fleming of the 117th, Burmeister of the 119th and Rogers of the 26th:

A BILL to be entitled an Act to amend Chapter 10 of Title 13 of the O.C.G.A., relating to contracts for public works, and Article 4 of Chapter 2 of Title 32 of the Official Code of Georgia Annotated, relating to exercise of power to contract by the Department of Transportation generally, so as to provide that a contractor that is more than 30 days behind in the performance of a state public works construction contract or a construction or maintenance contract with the Department of Transportation due to the fault of such contractor shall not be eligible to bid on any additional state public works construction contracts or Department of Transportation construction or maintenance contracts until such time as the performance of such contract is

brought current or is completed; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate moves to amend HB 1090 by line 6 of the Act between state and public inserting agency

Line 19 and 22 between state and public inserting the word agency of section 1 article 3

Line 17 between state and public inserting the word agency of section 2.

Representative Harbin of the 118th moved that the House disagree to the Senate amendment to HB 1090.

The motion prevailed.

The following Bill of the House was taken up for the purpose of considering the Senate substitute thereto:

HB 1421. By Representatives Fleming of the 117th, Ralston of the 7th and Hatfield of the 177th:

A BILL to be entitled an Act to amend Article 7 of Chapter 7 of Title 17 of the Official Code of Georgia Annotated, relating to demand for trial and announcement of readiness for trial, so as to require that a defendant be present in court and announce ready for trial if a demand for trial is filed; to require that a demand for trial be filed and served as a separate document and labeled as a demand for trial; to change provisions relating to demand for trial and service of the demand; to provide for other related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL

To amend Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, so as to change provisions relating to notices and pleadings in criminal proceedings; to change provisions relating to demand for trial and announcement of readiness for trial; to require a demand for speedy trial be filed and served as a separate document and labeled as a demand for speedy trial; to change provisions relating to demand for speedy trial and service of such demand; to provide for procedures relating to demand for speedy trial in capital cases; to correct cross-references; to provide for

enhanced sentences in any case in which the trier of fact determines beyond a reasonable doubt that the defendant who is age 18 or over and intentionally selects any victim or any property as the object of the offense because of the victim's race, religion, gender, national origin, or sexual orientation; to amend Code Section 38-3-62 of the Official Code of Georgia Annotated, relating to suspension or tolling of deadlines and time schedules in the event of a judicial emergency, so as to correct a cross-reference; to provide for other related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended by striking Code Section 17-7-170, relating to demands for trial, and inserting in lieu thereof the following:

"17-7-170.

- (a) Any person defendant against whom a true bill of indictment or an accusation is filed with the clerk for an offense not affecting the person's defendant's life may enter a demand for speedy trial at the court term at which the indictment or accusation is filed or at the next succeeding regular court term thereafter; or, by special permission of the court, he or she the defendant may at any subsequent court term thereafter demand a speedy trial. In either case, the demand for speedy trial shall be filed with the clerk of court and served upon the prosecutor and upon the judge to whom the case is assigned or, if the case is not assigned, upon the chief judge of the court in which the case is pending. A demand for speedy trial filed pursuant to this Code section shall be filed as a separate, distinct, and individual document and shall not be a part of any other pleading or document. Such demand shall clearly be titled 'Demand for Speedy Trial'; reference this Code section within the pleading; and identify the indictment number or accusation number for which such demand is being made. The demand for speedy trial shall be binding only in the court in which the demand for speedy trial is filed, except where the case is transferred from one court to another without a request from the defendant.
- (b) If the person defendant is not tried when the demand for speedy trial is made or at the next succeeding regular court term thereafter, provided that at both court terms there were juries impaneled and qualified to try the person, defendant, the person defendant shall be absolutely discharged and acquitted of the offense charged in the indictment or accusation. For purposes of computing the term at which a misdemeanor must be tried under this Code section, there shall be excluded any civil term of court in a county in which civil and criminal terms of court are designated; and for purposes of this Code section it shall be as if such civil term was not held.
- (c) Any demand <u>for speedy trial</u> filed pursuant to this Code section shall expire at the conclusion of the trial or upon the defendant entering a plea of guilty or nolo contendere.

- (d) If a case in which a demand for <u>speedy</u> trial has been filed, as provided in this Code section, is reversed on direct appeal, a new demand for <u>speedy</u> trial <u>must shall</u> be filed within the term of court in which the remittitur from the appellate court is received by the clerk of court or at the next succeeding regular court term thereafter.
- (e) If the case in which a demand for <u>speedy</u> trial has been filed as provided in this Code section results in a mistrial, the case shall be tried at the next succeeding regular term of court."

SECTION 2.

Said title is further amended by striking Code Section 17-7-171, relating to time for demand for trial in capital cases, and inserting in lieu thereof the following: "17-7-171.

- (a) Any person accused of a capital offense may enter a demand for <u>speedy</u> trial at the term of court at which the indictment is found or at the next succeeding regular term thereafter; or, by special permission of the court, he <u>the defendant</u> may at any subsequent term thereafter demand a <u>speedy</u> trial. The demand for speedy trial shall be filed with the clerk of court and served upon the prosecutor and upon the judge to whom the case is assigned or, if the case is not assigned, upon the chief judge of the court in which the case is pending. A demand for trial filed pursuant to this Code section shall be filed as a separate, distinct, and individual document and shall not be a part of any other pleading or document. Such demand shall clearly be titled 'Demand for Speedy Trial'; reference this Code section within the pleading; and identify the indictment number or accusation number for which such demand is being made. The demand for speedy trial shall be binding only in the court in which such demand is filed, except where the case is transferred from one court to another without a request from the defendant.
- (b) If more than two regular terms of court are convened and adjourned after the term at which the demand <u>for speedy trial</u> is filed and the defendant is not given a trial, then <u>he the defendant</u> shall be absolutely discharged and acquitted of the offense charged in the indictment, provided that at both terms there were juries impaneled and qualified to try the defendant and provided, further, that the defendant was present in court announcing ready for trial and requesting a trial on the indictment.
- (c) In cases involving a capital offense for which the death penalty is sought, if a demand for <u>speedy</u> trial is entered, the counting of terms under subsection (b) of this Code section shall not begin until the convening of the first term following the completion of pretrial review proceedings in the Supreme Court under Code Section 17-10-35.1."

SECTION 3.

Said title is further amended by striking Code Section 17-7-172, relating to requirement of announcement of readiness for trial prior to announcement by defendant, and inserting in lieu thereof the following:

"17-7-172.

The state shall be required in every case to announce ready or not ready for trial, except in those cases where the defendant is entitled by law to demand a <u>speedy</u> trial, before the defendant shall be called on to make such announcement."

SECTION 4.

Said title is further amended by striking Code Section 17-8-21, relating to when a showing for a continuance is required of the state, and inserting in lieu thereof the following:

"17-8-21.

In all cases in which the defendant cannot, according to law, demand a <u>speedy</u> trial, a continuance shall not be granted to the state, except upon a reasonable showing therefor."

SECTION 5.

Said title is further amended by striking subsection (c) of Code Section 17-8-31, relating to grounds for granting of continuances, and inserting in lieu thereof the following:

- "(c) In cases in which a demand for <u>speedy</u> trial has been filed in accordance with Code Section 17-7-170 or 17-7-171, the court shall grant the continuance if the party moving for a continuance pursuant to subsection (b) of this Code section establishes by testimony, affidavits, or other evidence that:
 - (1) The witness is material and necessary;
 - (2) The witness is located outside the territorial limits of the state;
 - (3) The party has submitted a request to the proper military authorities for the testimony of the witness in accordance with Section 301 of Title 5 of the United States Code and federal regulations or directives issued by the armed forces pursuant thereto; and
 - (4) The witness will not be available within the time limits prescribed by Code Section 17-7-170 or 17-7-171.

This continuance shall toll the running of the demand for <u>speedy</u> trial and shall continue the trial until the witness is released from active duty or the military makes the witness available to testify. If the witness only becomes available to testify within the last two weeks of the term of court in which the case must be tried, the case may be tried at the next succeeding term of court."

SECTION 5.1.

Said title is further amended by striking the introductory language in subsection (a) of Code Section 17-10-17, relating to sentencing of defendants guilty of crimes involving bias or prejudice, circumstances, and parole, and inserting in lieu thereof the following:

"(a) Subject to the notice requirement provided in Code Section 17-10-18 and in enhancement of the penalty imposed, if the trier of fact determines beyond a reasonable doubt that the defendant who is age 18 or over and intentionally selects any victim or any property of the victim as the object of the offense because of bias or prejudice the

<u>victim's race, religion, gender, national origin, or sexual orientation</u>, the judge imposing sentence may:"

SECTION 6.

Code Section 38-3-62 of the Official Code of Georgia Annotated, relating to suspension or tolling of deadlines and time schedules in the event of a judicial emergency, is amended by striking paragraph (3) and inserting in lieu thereof the following:

"(3) The time within which to try a case for which a demand for <u>speedy</u> trial has been filed:"

SECTION 7.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representative Fleming of the 117th moves to amend the Senate substitute to HB 1421 by striking all matter on lines 7 through 10 of page 1 and inserting in place thereof the following:

capital cases; to correct cross-references; to amend

By striking Section 5.1 in its entirety from lines 17 through 26 of page 4.

Representative Fleming of the 117th moved that the House agree to the Senate substitute, as amended by the House, to HB 1421.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam Y Amerson E Anderson Y Ashe Y Barnard Y Barnes Bearden Beasley-Teague E Benfield Y Benton Y Black N Bordeaux Y Borders Y Bridges Y Brooks	Y Crawford Y Cummings Y Davis Y Day Y Dean Y Dickson Y Dodson Y Dollar Drenner Y Dukes Y Ehrhart Y England Y Epps Y Everson Y Fleming	Y Hill, C.A Y Holmes Holt Y Horne Y Houston Y Howard, E Y Hudson Y Hugley Y Jackson Y Jacobs Y James Y Jamieson Y Jenkins Y Jennings Y Johnson	Y Martin Y Maxwell Y May Y McCall McClinton Y Meadows Y Millar Y Mills Mitchell E Morgan Y Morris Y Mosby Mosley Y Murphy, J	Y Sailor Scheid Y Scott, A Y Scott, M Setzler Y Shaw Y Sheldon Sims, C Y Sims, F Y Sinkfield Y Smith, B Smith, L Y Smith, P Y Smith, R Y Smith, T
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brown Y Bruce Y Bryant Y Buckner, D	Floyd, H Y Floyd, J Fludd Y Forster	Y Jones, J Y Jones, S Jordan Y Keen	Y Murphy, Q Y Neal N Oliver O'Neal	Y Smith, V Y Smyre Y Stanley-Turner Y Stephens

Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Heard, K	Y Lunsford	Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson,
				Speaker

On the motion, the ayes were 153, nays 2.

The motion prevailed.

Representatives Ashe of the 56th, Brooks of the 63rd, Dukes of the 150th, Hugley of the 133rd, Jacobs of the 80th, Orrock of the 58th, Sailor of the 93rd, Stanley-Turner of the 53rd, Stephenson of the 92nd, Thomas of the 55th, Watson of the 91st, Wilkinson of the 52nd, and Williams of the 165th stated that they inadvertently voted "aye" on the preceding roll call. They wished to be recorded as voting "nay" thereon.

Under the general order of business, established by the Committee on Rules, the following Bills of the Senate were taken up for consideration and read the third time:

SB 481. By Senators Stephens of the 27th, Douglas of the 17th, Whitehead, Sr. of the 24th, Schaefer of the 50th, Staton of the 18th and others:

A BILL to be entitled an Act to amend Article 6 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to administration and enforcement of the chapter concerning the registration and licensing of motor vehicles, so as to permit military personnel whose vehicles are registered in Georgia and have Georgia license plates who are stationed in other states as part of their military assignments and duties to meet their obligations concerning minimum motor vehicle liability insurance through the purchase of certain insurance in such other states; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Sims, C
E Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	E Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Lunsford	Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Cooper	Y Henson	Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson,
			-	Speaker

On the passage of the Bill, the ayes were 158, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

Representative Manning of the 32nd stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

SB 573. By Senators Carter of the 13th and Cagle of the 49th:

A BILL to be entitled an Act to amend Chapter 3 of Title 44 of the Official

Code of Georgia Annotated, relating to regulation of specialized land transactions, so as to provide that the seller may withdraw escrow funds in excess of 1 percent of the purchase price of a condominium in order to fund construction and development of the condominium property; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Article 1 of Chapter 2 of Title 8 and Article 3 of Chapter 3 of Title 44 of the Official Code of Georgia Annotated, relating to buildings generally and condominiums, so as to change certain provisions relating to condominium sales and repairs; to change certain provisions relating to resolution of construction defects; to clarify how builders and homeowners are required to operate under Part 2A relating to resolution of construction defects; to change conflicting language within Part 2A; to provide a better framework for dispute resolution; to change certain definitions; to change certain provisions relating to notice of claim and the response of the contractor to the claim; to change certain provisions relating to discovery of additional defects after original notice of a claim is given; to change certain provisions relating to the effect of a claimant's acceptance of settlement and subrogation of insurance; to change certain provisions relating to the notice to the consumer prior to beginning initial construction work; to change certain provisions relating to the prohibition against bribery of property or association managers; to change certain provisions relating to causes of action being created and the contractor's right to seek recovery from subcontractors or other professionals; to provide that the seller may withdraw escrow funds in excess of 1 percent of the purchase price of a condominium in order to fund construction and development of the condominium property; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to buildings generally, is amended by striking Part 2A, relating to resolution of construction defects, and inserting in lieu thereof the following:

"Part 2A

8-2-35.

The legislature finds, declares, and determines that Georgia needs an alternative method to resolve legitimate construction disputes that would reduce the need for litigation

while adequately protecting the rights of homeowners. The legislature declares that an effective alternative dispute resolution mechanism in certain construction defect matters should involve the claimant filing a notice of claim with the contractor that the claimant asserts is responsible for the defect and providing the contractor with the opportunity to resolve the claim without litigation.

8-2-36.

As used in this part, the term:

- (1) 'Action' means any civil lawsuit, judicial action, or arbitration proceeding asserting a claim in whole or in part for damages or other relief in connection with a dwelling or common area caused by an alleged construction defect.
- (2) 'Association' means a corporation formed for the purpose of exercising the powers of the members of any common interest community.
- (3) 'Claimant' means anyone who asserts a claim concerning a construction defect.
- (4) 'Common area' means the common areas, improvements, and facilities that are owned or maintained by the association in a common interest community.
- (4)(5) 'Construction defect' has the meaning assigned by a written, express warranty either provided by the contractor or required by applicable statutory law; if no written, express warranty or applicable statutory warranty provides a definition, then 'construction defect' means a matter concerning the design, construction, or repair, or alteration of a dwelling or common area, of an alteration of or repair or addition to an existing dwelling, or of an appurtenance to a dwelling or common area on which a person has a complaint against a contractor. The term may include any physical damage to the dwelling or common area, any appurtenance, or the real property on which the dwelling or appurtenance is affixed proximately caused by a construction defect.
- (5)(6) 'Contractor' means any person, firm, partnership, corporation, association, or other organization that is engaged in the business of designing, developing, constructing, or selling dwellings or common areas, or the alteration of or addition alterations of or additions to an existing dwelling, repair of a new or existing dwelling, or construction, sale, alteration, addition, or repair of an appurtenance to a new or existing dwelling existing dwellings or common areas, or the repair of such improvements. The term includes:
 - (A) An owner, officer, director, shareholder, partner, or employee of the contractor;
 - (B) Subcontractors and suppliers of labor and materials used by a contractor in a dwelling or common area; and
 - (C) A risk retention group registered under applicable law, if any, that insures all or any part of a contractor's liability for the cost to repair a construction defect.
- (6)(7) 'Dwelling' means a single-family house, duplex, or multifamily unit designed for residential use in which title to each individual <u>residential</u> unit is transferred to the owner under a condominium or cooperative system and shall include common areas and improvements that are owned or maintained by an association or by members of an association. A dwelling includes the systems, other components, improvements,

other structures, or recreational facilities that are appurtenant to the house, duplex, or multifamily unit at the time of its initial sale but not necessarily a part of the house, duplex, or multifamily unit.

(7)(8) 'Serve' or 'service' means deposit in the United States mail, postage prepaid for delivery by certified mail, return receipt requested or statutory overnight delivery, return receipt requested, to the last known address of the addressee. For a corporation, limited partnership, limited liability company, or other registered business organization, it means service on the registered agent or other agent for service of process authorized by law.

8-2-37.

If a claimant files an action without first complying with the requirements of this part, on application by a party to the action, the court or arbitrator shall stay the action until the claimant has complied with the requirements of this part. To the extent that the action includes a cause of action for damages due to personal injury or death, such cause of action shall not be subject to stay pursuant to this Code section.

8-2-38.

- (a) In every action subject to this part, the claimant shall, no later than 90 days before initiating an action against a contractor, provide service of written notice of claim on that contractor. The notice of claim shall state that the claimant asserts a construction defect claim or claims and is providing notice of the claim or claims pursuant to the requirements of this part. The notice of claim shall describe the claim or claims in detail sufficient to explain the nature of the alleged construction defects and the results of the defects. In addition, the claimant shall provide to the contractor any evidence that depicts the nature and cause of the construction defect, including expert reports, photographs, and videotapes, if that evidence would be discoverable under evidentiary rules.
- (b) Within 30 days after service of the notice of claim by a claimant required in subsection (a) of this Code section, each contractor that has received the notice of claim shall serve on the claimant, and on any other contractor that has received the notice of claim, a written response to the claim or claims, which either:
 - (1) Offers to settle the claim by monetary payment, the making of repairs, or a combination of both, without inspection; or
 - (2) Proposes to inspect the dwelling or common area that is the subject of the claim.
- (c) If the contractor wholly rejects the claim and will neither remedy the alleged construction defect nor settle the claim or does not respond to the claimant's notice of claim within the time stated in subsection (b) of this Code section, the claimant may bring an action against the contractor for the claims described in the notice of claim without further notice except as otherwise provided under applicable law. A contractor that does not respond to a notice of claim within the time prescribed by subsection (b) of this Code section may not claim or assert that the absence of documents required to

be provided with the notice of claim under subsection (a) of this Code section relieved the contractor from the contractor's obligation to respond to the notice of claim.

- (d) If the claimant rejects the settlement offer made by the contractor, the claimant shall provide written notice of the claimant's rejection to the contractor and, if represented by legal counsel, his or her attorney. The notice shall include the reasons for the claimant's rejection of the contractor's proposal or offer. If the claimant believes that the settlement offer:
 - (1) Omits reference to any portion of the claim; or
- (2) Was unreasonable in any manner, the claimant shall in his or her written notice include those items that claimant believes were omitted and set forth in detail all known reasons why the claimant believes the settlement offer is unreasonable.
- (e) If a proposal for inspection is made pursuant to paragraph (2) of subsection (b) of this Code section, the claimant shall, within 30 days of receiving the contractor's proposal, provide the contractor and its subcontractors, agents, experts, and consultants prompt and reasonable access to the dwelling or common area to inspect the dwelling or common area, document any alleged construction defects, and perform any destructive or nondestructive testing required to fully and completely evaluate the nature, extent, and cause of the claimed defects and the nature and extent of any repairs or replacements that may be necessary to remedy the alleged defects. If destructive testing is required, the contractor shall give claimant advance notice of such tests and shall, after completion of the testing, return the dwelling or common area to its pretesting condition. If any inspection or testing reveals a condition that requires additional testing to allow the contractor to fully and completely evaluate the nature, cause, and extent of the construction defect, the contractor shall provide notice to the claimant of the need for such additional testing and the claimant shall provide prompt and reasonable access as set forth in this Code section. If a claim is asserted on behalf of owners of multiple dwellings or multiple owners of units within a multifamily complex, the contractor shall be entitled to inspect each of the dwellings or units common areas which may be or appear to be affected by the alleged defect. The contractor shall commence and diligently pursue completion of all the desired inspections within the 30 day period after delivery of the contractor's written proposal. Inspection shall be completed within the same 30 day period if reasonable or within a reasonable period thereafter if completion is not reasonable within 30 days.
- (f) Within 14 days following completion of the inspection and testing set forth in this Code section, the contractor shall serve on the claimant:
 - (1) A written offer to fully or partially remedy the construction defect at no cost to the claimant. Such offer shall include a description of any additional construction necessary to remedy the defect described in the claim and an anticipated timetable for the completion of such construction;
 - (2) A written offer to settle the claim by monetary payment;
 - (3) A written offer including a combination of repairs and monetary payment; or

- (4) A written statement that the contractor will not proceed further to remedy the defect, along with the reasons for such rejection.
- (g) If a claimant accepts a contractor's offer made pursuant to paragraph (1), (2), or (3) of subsection (f) of this Code section and the contractor does not proceed to make the monetary payment or remedy the construction defect or both within the agreed timetable, the claimant may bring an action against the contractor for the claim described in the notice of claim without further notice except as otherwise provided by applicable law. In such a situation, the claimant may also file the contractor's offer and claimant's acceptance, and such offer and acceptance will create a rebuttable presumption that a binding and valid settlement agreement has been created and should be enforced by the court or arbitrator.
- (h) If a claimant receives a written statement that the contractor will not proceed further to remedy the defect or if the contractor fails to serve the claimant with the required written offer or written statement within the time prescribed by subsection (f) of this Code section, the claimant may bring an action against the contractor for the claim described in the notice of claim without further notice except as otherwise provided by applicable law. The contractor's written statement shall include all known reasons for the rejection of the claim.
- (i) If the claimant rejects the offer made by the contractor to remedy the construction defect or to settle the claim by monetary payment or a combination of each, the claimant shall serve written notice of the claimant's rejection on the contractor. The notice shall include all known reasons for the claimant's rejection of the contractor's offer.
- (j) Upon receipt of a claimant's rejection and the reasons for such rejection, the contractor may, within 15 days of receiving the rejection, make a supplemental offer of repair or monetary payment or both to the claimant.
- (k) If the claimant rejects the supplemental offer made by the contractor to repair the construction defect or to settle the claim by monetary payment or a combination of each, the claimant shall serve written notice of the claimant's rejection on the contractor. The notice shall include all known reasons for the claimant's rejection of the contractor's supplemental settlement offer.
- (l) If a claimant rejects a reasonable offer, including any reasonable supplemental offer, made as provided by this part or does not permit the contractor to repair the construction defect pursuant to an accepted offer of settlement, the claimant may not recover an amount in excess of:
 - (1) The fair market value of the offer of settlement or the actual cost of the repairs made; or
 - (2) The amount of a monetary offer of settlement.

For purposes of this subsection, the trier of fact shall determine the reasonableness of an offer of settlement made pursuant to this part. If the claimant has rejected a reasonable offer, including any reasonable supplemental offer, and any other law allows the claimant to recover costs and attorneys' fees, then the claimant may recover no costs or attorneys' fees incurred after the date of his or her rejection.

- (m) Any claimant accepting the offer of the contractor to remedy a construction defect shall do so by serving the contractor with a written notice of acceptance within a reasonable period of time after receipt of the contractor's settlement offer but no later than 30 days after receipt of the offer. If no response is served upon the contractor within the 30 day period, then the offer shall be deemed accepted.
- (n) If a claimant accepts a contractor's offer to repair a construction defect described in a notice of claim, the claimant shall provide the contractor and its subcontractors, agents, experts, and consultants prompt and unfettered access to the dwelling or common area to perform and complete the construction by the timetable stated in the settlement offer.
- (o) If, during the pendency of the notice, inspection, offer, acceptance, or repair process, an applicable limitations period would otherwise expire, the claimant may file an action against the contractor, but such action shall be immediately stayed until completion of the notice of claim process described in this part. This subsection shall not be construed to:
 - (1) Revive a statute of limitations period that has expired prior to the date on which a claimant's written notice of claim is served; or
 - (2) Extend any applicable statute of repose.
- (p) After the sending of the initial notice of claim, a claimant and a contractor may, by written mutual agreement, alter the procedure for the notice of claim process described in this part.

8-2-39.

- (a) A construction defect that is discovered after a claimant has provided a contractor with the initial claim notice may not be alleged in an action until the claimant has given the contractor who performed the original construction:
 - (1) Written notice of claim regarding the alleged defect as required by Code Section 8-2-38; and
 - (2) An opportunity to resolve the notice of claim in the manner provided in Code Section 8-2-38.
- (b) A construction defect that is discovered during the pendency of an action filed in compliance with this part may be added as a supplemental or additional claim to the pending action if failure to add the claim would prejudice any legal rights of the claimant or the contractor; provided, however, that the claimant shall comply with the requirements of subsection (a) of this Code section, and such action shall be immediately stayed until completion of the notice of claim process, unless otherwise agreed by the parties.

8-2-40.

- (a) If a claimant accepts an offer made in compliance with this part and the contractor fulfills the offer in compliance with this part:
 - (1) The claimant shall thereafter be barred from bringing an action for the claim described in the notice of claim; and

- (2) A contractor's performance of repairs or payment of money to a claimant made pursuant to this Code section shall not, by itself, create insurance coverage or otherwise affect the mutual rights and obligations of the parties under a contractor's liability insurance policy or, by itself, be considered a voluntary payment of an otherwise valid insured loss.
- (b) An insurer paying a claim under this part shall be subrogated to the rights of the claimant to whom the amounts were paid against the person causing the construction defect, damages, or other reason for payment to the extent that claim payments were made, except that the insurer shall be required to pay any applicable part of costs, expenses, and attorney's attorneys' fees incurred in connection therewith.

8-2-41.

- (a) Upon entering into a contract for sale, construction, or improvement of a dwelling, the contractor shall provide notice to the owner of the dwelling of the contractor's right to resolve alleged construction defects before a claimant may commence litigation against the contractor. Such notice shall be conspicuous and may be included as part of the contract.
- (b) The notice required by subsection (a) of this Code section shall be in substantially the following form:

GEORGIA LAW CONTAINS IMPORTANT REQUIREMENTS YOU MUST FOLLOW BEFORE YOU MAY FILE A LAWSUIT OR OTHER ACTION FOR CONSTRUCTION AGAINST THE CONTRACTOR CONSTRUCTED, IMPROVED, OR REPAIRED YOUR HOME. NINETY DAYS BEFORE YOU FILE YOUR LAWSUIT OR OTHER ACTION, YOU MUST SERVE ON THE CONTRACTOR A WRITTEN NOTICE OF ANY CONSTRUCTION CONDITIONS YOU ALLEGE ARE DEFECTIVE. THE LAW, A CONTRACTOR HAS THE OPPORTUNITY TO MAKE AN OFFER TO REPAIR OR PAY FOR THE DEFECTS OR BOTH. YOU ARE NOT OBLIGATED TO ACCEPT ANY OFFER MADE BY A CONTRACTOR. THERE ARE STRICT DEADLINES AND PROCEDURES UNDER STATE LAW, AND FAILURE TO FOLLOW THEM MAY AFFECT YOUR ABILITY TO FILE A LAWSUIT OR OTHER ACTION.

8-2-42.

- (a) A person shall not provide or offer to provide anything of value, directly or indirectly, to a property manager of an association or to a member or officer of an association to induce the property manager, member, or officer to encourage or discourage the association to file a claim for damages arising from a construction defect. As used in this Code section, the term 'anything of value' shall not include payments, services, or other items of value which the recipient would otherwise be entitled to receive under an existing contract.
- (b) A property manager retained by a homeowner's <u>an</u> association shall not accept anything of value, directly or indirectly, in exchange for encouraging or discouraging

the association that he or she manages to file a claim for damages arising from a construction defect.

- (c) A member or officer of an association shall not accept anything of value, directly or indirectly, in exchange for encouraging or discouraging the association of which he or she is a member or officer to file a claim for damages arising from a construction defect.
- (d) A person who knowingly violates subsection (a), (b), or (c) of this Code section shall be guilty of a misdemeanor.
- (e) An association may bring an action against a contractor to recover damages resulting from construction defects in any of the common elements or limited common elements area of the a common interest community only. Such action may be maintained only after, provided that:
 - (1) The association first obtains the written approval of each unit's owner whose interest in the common elements or limited common elements will be the subject of the action;
 - (2) A vote of the units' owners to which at least a majority of the votes of the members of the association are allocated; The members of the association have voted to approve commencement of an action by two-thirds of the votes cast, by statutory written ballot as provided in Code Section 14-3-708 or have approved commencement of an action by the affirmative vote of at least two-thirds of the total membership at a meeting of the members at which a quorum is present;
 - (3)(2) The full board of directors of the association and the contractor have met in person and conferred in a good faith attempt to resolve the association's claim, or the contractor has definitively declined or ignored the requests to meet with the board of directors of the association; and
 - (4)(3) The association has otherwise satisfied all of the preaction requirements for a claimant to commence an action as set forth in this part.
- (f) At least three business days in advance of any vote to commence an action by an association to recover damages resulting from construction defects in any of the common elements or limited common elements of the common interest community, the attorney representing the association shall provide to each unit's owner a written statement that includes, in reasonable detail: the meeting at which the association members vote or at the time a statutory written ballot is circulated to the members to obtain approval of an action to recover damages resulting from construction defects in the common area of a common interest community, the association shall provide each owner a copy of the notice of claim provided to the contractor and an additional written description of claims and the reasons the board of the association is recommending consideration of the litigation.
 - (1) The defects and damages or injuries to the common elements or limited common elements;
 - (2) The cause of the defects, if the cause is known;
 - (3) The nature and the extent that is known of the damage or injury resulting from the defects:

- (4) The location of each defect within the common elements or limited common elements, if known;
- (5) A reasonable estimate of the cost of the action or mediation, including reasonable attorneys' fees and costs, expert fees, and the costs of testing; and
- (6) All disclosures that the unit owner is required to make upon the sale of the unit.
- (g) An association or an attorney for an association shall not employ a person to perform destructive tests to determine any damage or injury to a unit, common element, or limited common element dwelling or common area caused by a construction defect unless:
 - (1) The person is licensed as a contractor pursuant to law;
 - (2) The association has obtained the prior written approval of each unit's owner whose unit or interest in the common element or limited common element dwelling will be directly affected by such testing;
 - (3) The person performing the tests has provided a written schedule for repairs;
 - (4) The person performing the tests is required to repair all damage resulting from such tests in accordance with state laws and local ordinances relating thereto;
 - (5)(3) The association or the person so employed obtains all permits required to conduct such tests and to repair any damage resulting from such tests; and
 - (6)(4) Reasonable prior notice and opportunity to observe the tests is given to the contractor against whom an action may be brought as a result of the tests.
- (h) An association may commence an action only upon a vote or written agreement of the owners of the units to which at least a majority of the votes of the members of the association are allocated. In such a case, the association shall provide written notice to the owner of each unit of the meeting at which the commencement of an action is to be considered or action is to be taken at least 21 calendar days before the meeting.
- (i) The board of directors of an association may, without giving notice to the units' owners, employ a contractor and such other persons as are necessary to make such immediate repairs to a unit or common element common area within the common interest community as are required to protect the health, safety, and welfare of the units' owners.

8-2-43.

- (a) Nothing in this part shall create any cause of action on behalf of any claimant or contractor.
- (b) This part does not apply to a contractor's right to seek contribution, indemnity, or recovery against a subcontractor, supplier, or design professional for any claim made against a contractor by a claimant.
- (c) In the event of any conflict or inconsistency between the provisions of this part and the provisions of any contract between a claimant and a contractor, the provisions of the contract shall govern and control.
- (d) This part shall not apply to a contractor who is not required to be licensed under Chapter 41 of Title 43."

SECTION 2.

Article 3 of Chapter 3 of Title 44 of the Official Code of Georgia Annotated, relating to condominiums, is amended by striking Code Section 44-3-112, relating to escrow of deposits made or other payments made prior to closing on a condominium unit, and inserting in lieu thereof the following:

"44-3-112.

- (a) Any deposit or other payment made prior to closing with respect to the first bona fide sale of each residential condominium unit for residential occupancy by the buyer, any member of the buyer's family, or any employee of the buyer shall be held in escrow until it is delivered at closing, delivered to the seller in accordance with subsection (b) of this Code section, or delivered to the person or persons entitled thereto upon breach of the contract for the sale. Such escrow funds shall be deposited in a separate account designated for this purpose; provided, however, that, in the event any such deposit is held by a real estate broker licensed under the laws of this state, such funds may be placed in such broker's escrow account instead of a separately designated account.
- (b) If the contract for sale of the condominium unit so provides and the purchase price of the condominium unit is not less than \$150,000.00, the seller may withdraw escrow funds in excess of 1 percent of the purchase price from the escrow account required by subsection (a) of this Code section when the construction of improvements has commenced. The seller shall only use the funds in the actual construction and development of the condominium property in which the unit to be sold is located. However, no part of these funds may be used for salaries, commissions, expenses of real estate licensees, or advertising purposes. A contract which permits use of the advance payments for these purposes shall be initialed by the buyer and include the following caveat in boldfaced type or capital letters no smaller than the largest type on the first page of the contract: ANY PAYMENT IN EXCESS OF 1 PERCENT OF THE PURCHASE PRICE MADE TO THE SELLER PRIOR TO CLOSING PURSUANT TO THIS CONTRACT MAY BE USED FOR CONSTRUCTION PURPOSES BY THE SELLER."

SECTION 3.

- (a) This section and Sections 1 and 4 of this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.
- (b) Section 2 of this Act shall become effective on July 1, 2006.
- (c) This Act shall only apply with respect to causes of actions or claims arising on or after the effective date of this Act, and any prior causes of action or claims shall continue to be governed by prior law.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
E Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	E Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
N Bordeaux	Y England	Y Jamieson	Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson,
				Speaker

On the passage of the Bill, by substitute, the ayes were 161, nays 1.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representatives Forster of the 3rd and Scott of the 2nd stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the House:

HB 276. By Representatives Rice of the 51st, Dollar of the 45th, Powell of the 29th, Murphy of the 23rd and Parham of the 141st:

A BILL to be entitled an Act to amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to provide for licensing of ignition interlock device provider centers; to provide a short title; to provide for definitions; to provide for certain requirements for operators of provider centers; to provide for a misdemeanor offense; to provide for rules and standards to be set by the commissioner; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 745. By Representatives Crawford of the 127th and Ray of the 136th:

A BILL to be entitled an Act to provide that future elections for the office of chief magistrate of Upson County shall be nonpartisan elections; to provide for submission of this Act under the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1099. By Representatives Martin of the 47th and Jones of the 46th:

A BILL to be entitled an Act to authorize the City of Alpharetta to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for related matters; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

HB 1303. By Representatives Johnson of the 37th, Ehrhart of the 36th, Manning of the 32nd, Parsons of the 42nd, Wix of the 33rd and others:

A BILL to be entitled an Act to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, approved February 9, 1949 (Ga. L. 1949, p. 427), as amended, so as to change the compensation of the judge and the clerk of the probate court; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1341. By Representatives Martin of the 47th and Jones of the 46th:

A BILL to be entitled an Act to amend an Act to provide for an additional \$10,000.00 homestead exemption from certain City of Alpharetta ad valorem taxes for municipal purposes, approved April 23, 1999 (Ga. L. 1999, p. 4836), as amended, so as to increase the exemption amount; to provide for a referendum, effective dates, and automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

HB 1559. By Representatives Burns of the 157th and Carter of the 159th:

A BILL to be entitled an Act to provide a new charter for the City of Guyton; to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for ordinances and codes; to provide for a mayor and mayor pro tempore and certain duties, powers, and other matters relative thereto; to provide for penalties; to provide for definitions and construction; to provide for other matters relative to the foregoing; to repeal an Act incorporating the City of Guyton in the County of Effingham, approved April 12, 1982 (Ga. L. 1982, p. 3806); to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1591. By Representatives Hill of the 21st, Byrd of the 20th and Murphy of the 23rd:

A BILL to be entitled an Act to authorize the City of Ball Ground to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

HB 1597. By Representatives Anderson of the 123rd, Lord of the 142nd and Burns of the 157th:

A BILL to be entitled an Act to amend an Act providing for the election of the members of the board of education of Burke County, approved March 27, 1985 (Ga. L. 1985, p. 4481), as amended, particularly by an Act approved April 6, 1996 (Ga. L. 1996, p. 3944), so as to change certain provisions regarding the compensation and expense allowance of the members of the board; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1621. By Representative Burns of the 157th:

A BILL to be entitled an Act to amend an Act creating a new board of education of Jenkins County, approved April 3, 1968 (Ga. L. 1968, p. 2965), as amended, so as to provide for nonpartisan election of the members of the board of education; to provide for submission of this Act under the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 1622. By Representative Burns of the 157th:

A BILL to be entitled an Act to amend an Act providing for the election of the members of the board of education of Screven County, approved April 1, 2002 (Ga. L. 2002, p. 3659), so as to so as to change certain provisions regarding the compensation of the members of such board; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1628. By Representatives Brown of the 69th and Smith of the 129th:

A BILL to be entitled an Act to amend an Act creating a Board of Commissioners for Troup County, approved March 25, 1958 (Ga. L. 1958, p. 3068), as amended, so as to provide for meetings of said board; to provide certain changes relating to the manner competitive bids are taken; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 1633. By Representatives Lane of the 158th and Stephens of the 164th:

A BILL to be entitled an Act to provide a homestead exemption from Bryan County ad valorem taxes for county purposes in the amount of \$50,000.00 of the assessed value of the homestead for residents of that county who are 65 years of age or over; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 1634. By Representatives Lane of the 158th and Stephens of the 164th:

A BILL to be entitled an Act to provide a homestead exemption from Bryan County ad valorem taxes for county purposes in the amount of \$30,000.00 of the assessed value of the homestead for residents of that county; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The Senate has passed by substitute, by the requisite constitutional majority, the following bill of the House:

HB 1371. By Representatives Graves of the 137th, Carter of the 159th, Harbin of the 118th, Stephens of the 164th and Parrish of the 156th:

A BILL to be entitled an Act to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to enact "The Pharmacy Audit Bill of Rights"; to provide for a short title; to set out a list of rights of pharmacies undergoing audits; to provide for an appeal process; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bill of the Senate was taken up for consideration and read the third time:

SB 636. By Senator Bulloch of the 11th:

A BILL to be entitled an Act to amend Code Section 1-3-3 of the Official Code of Georgia Annotated, relating to definitions of terms used in such code or other laws of the state, so as to define the term biodiesel fuel; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL

To amend Part 1 of Article 8 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to sale of petroleum products, so as to prohibit the production, offering for sale, or sale of biodiesel fuel for certain purposes unless such fuel meets certain standards; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 8 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to sale of petroleum products, is amended by adding a new Code section to read as follows:

"10-1-151.1.

It shall be unlawful for any person to produce, offer for sale, or sell any biodiesel fuel to be used in blending such biodiesel fuel with petroleum diesel fuel to create a blended fuel for subsequent sale for use in diesel engines unless the biodiesel fuel meets the specifications of American Society for Testing and Materials Standard D 6751."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read:

Representatives Chambers of the 81st, Ehrhart of the 36th, and Willard of the 49th move to amend the Committee substitute to SB 636 by striking line 4 of page 1 and inserting in lieu thereof the following:

standards; to prohibit certain acts relating to gasoline containing methyl tertiary-butyl ether; to provide effective dates; to repeal conflicting laws; and for other purposes.

By redesignating Section 2 as Section 4 and inserting after Section 1 the following:

SECTION 2.

Said part is further amended by adding a new Code section to read as follows: "10-1-151.2.

- (a) As used in this Code section, the term 'MTBE' means methyl tertiary-butyl ether.
- (b) It shall be unlawful to knowingly manufacture, blend, or store for distribution in this state any gasoline containing MTBE.
- (c) It shall be unlawful to knowingly distribute, sell, or expose or offer for sale in this state any gasoline containing more than one-half of 1 percent MTBE by volume.
- (d) This Code section shall not prohibit the transport through this state of gasoline containing MTBE for delivery outside this state."

SECTION 3.

This Act shall become effective on July 1, 2006; except that Section 2 of this Act shall become effective on January 1, 2008.

On the adoption of the amendment, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	N Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	N McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	N Shaw
Y Bearden	Dodson	Y Hudson	Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	N Sims, C
E Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	E Morgan	Y Sinkfield
N Black	Y Ehrhart	N James	Y Morris	Y Smith, B
Y Bordeaux	N England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	N Jenkins	N Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	N Smith, T
Y Brown	N Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	N Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
N Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Parsons	Y Thomas, A.M
Y Butler	Golick	Y Lakly	Y Porter	Y Thomas, B
N Byrd	Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	N Ray	Y Watson
Y Channell	Y Harbin	Y Lord	N Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
N Coan	Y Heard, J	Y Lucas	N Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	N Maddox	N Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	N Rogers	Y Wix
Y Cooper	Y Henson	N Manning	N Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	N Rynders	Richardson,
	,		ř	Speaker

On the adoption of the amendment, the ayes were 143, nays 24.

The amendment was adopted.

Representative Cheokas of the 134th stated that he had inadvertently voted "aye" on the preceding roll call. He wished to be recorded as voting "nay" thereon.

The Committee substitute, as amended, was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, as amended.

On the passage of the Bill, by substitute, as amended, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Dodson	Y Hudson	Y Millar	Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
E Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	E Morgan	Sinkfield
Y Black	Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Knox	Y Parsons	Y Thomas, A.M
Y Butler	Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson,
				Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 165, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute, as amended.

Representative Knox of the 24th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

The following Bill of the House was taken up for the purpose of considering the Senate's insistence on its position in substituting the same:

HB 194. By Representatives Martin of the 47th, Burkhalter of the 50th, Amerson of the 9th, Royal of the 171st, Ashe of the 56th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of income tax, so as to provide for income tax credits with respect to teleworking for a limited period of time; to provide for definitions; to provide for conditions, limitations, and exclusions; to provide for powers, duties, and authority of the state revenue commissioner with respect to the foregoing; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

Representative Martin of the 47th moved that the House insist on its position in disagreeing to the Senate substitute to HB 194 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives O'Neal of the 146th, Smith of the 113th, and Martin of the 47th.

The following Bill of the Senate was taken up for the purpose of considering the Senate's appointment of a Committee of Conference thereon:

SB 529. By Senators Rogers of the 21st, Hamrick of the 30th, Douglas of the 17th, Schaefer of the 50th, Seabaugh of the 28th and others:

A BILL to be entitled an Act to amend Title 13 of the O.C.G.A., relating to contracts, Title 16 of the O.C.G.A., relating to crimes and offenses, Title 34 of the O.C.G.A., relating to labor, Title 35 of the O.C.G.A., relating to law enforcement, and Title 50 of the O.C.G.A., relating to state government, so as to provide for the comprehensive regulation of persons in this state who are not lawfully present in the United States; to provide for a short title; to provide for statutory construction; to provide for procedures and requirements applicable to certain contracts or subcontracts; to prohibit certain retaliation; to provide for enforcement, penalties, and exceptions; to provide for offenses regarding involuntary servitude, trafficking of persons for forced labor or services, and sexual servitude of a minor; to provide for related matters; to provide for effective dates; to provide for applicability; to repeal conflicting laws; and for other purposes.

Representative Lunsford of the 110th moved that the House adhere to its position in insisting on its substitute to SB 529 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives Lunsford of the 110th, Graves of the 137th, and Morris of the 155th.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has passed by substitute, by the requisite constitutional majority, the following bill of the House:

HB 304. By Representatives Burmeister of the 119th, Yates of the 73rd, Shaw of the 176th, Cummings of the 16th and Rice of the 51st:

A BILL to be entitled an Act to amend Article 1 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions concerning specific, business, and occupation taxes, so as to change the provisions relating to the imposition and determination of the amount of certain regulatory fees by local governments; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Speaker announced the House in recess until 2:00 o'clock, this afternoon.

AFTERNOON SESSION

The Speaker Pro Tem called the House to order.

Representative Smith of the 168th District, Chairman of the Committee on State Planning and Community Affairs, submitted the following report:

Mr. Speaker:

Your Committee on State Planning and Community Affairs - Local Legislation has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 1657 Do Pass HB 1658 Do Pass, by Substitute

Respectfully submitted, /s/ Smith of the 168th
Chairman

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has passed as amended, by the requisite constitutional majority, the following bill of the House:

HB 1390. By Representative Ehrhart of the 36th:

A BILL to be entitled an Act to amend Chapter 30 of Title 43 of the Official Code of Georgia Annotated, relating to optometrists, so as to change certain provisions relating to creation of the State Board of Optometry, its composition, and qualifications of its members; to change certain provisions relating to the terms of office of board members; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Resolutions of the House were read:

HR 2042. By Representatives Shaw of the 176th, Borders of the 175th and Black of the 174th:

A RESOLUTION recognizing April 10, 2006, as "Hugh C. Bailey Science Center Day" in Georgia; and for other purposes.

HR 2043. By Representatives Wilkinson of the 52nd, Lindsey of the 54th, Geisinger of the 48th and Millar of the 79th:

A RESOLUTION remembering and honoring the life of Mr. Whit E. Sweetin; and for other purposes.

HR 2044. By Representative Everson of the 106th:

A RESOLUTION commending the Brookwood High School Broncos football team; and for other purposes.

HR 2045. By Representatives Day of the 163rd, Neal of the 1st, Horne of the 71st, Cox of the 102nd, Gardner of the 57th and others:

A RESOLUTION recognizing and commending Riean Norman; and for other purposes.

HR 2046. By Representative Powell of the 29th:

A RESOLUTION commending Mr. Clyde Nelson Fitzpatrick; and for other purposes.

HR 2047. By Representatives Cheokas of the 134th, Hanner of the 148th, Shaw of the 176th, Ehrhart of the 36th, Hembree of the 67th and others:

A RESOLUTION commending Marcus Andrew Vonier on his performance as an intern for House Photography and congratulating him on graduating from North Georgia Technical College; and for other purposes.

HR 2048. By Representatives Martin of the 47th, Burkhalter of the 50th and Geisinger of the 48th:

A RESOLUTION recognizing Webb Bridge Middle School for being named a Lighthouse School to Watch; and for other purposes.

HR 2049. By Representatives Murphy of the 120th, Porter of the 143rd, Burkhalter of the 50th, Howard, E. of the 121st, Burmeister of the 119th and others:

A RESOLUTION commending Mr. Jack Connell on the occasion of his being named an honorary lifetime member of the Augusta Richmond County Committee for Good Government; and for other purposes.

HR 2050. By Representatives Parrish of the 156th, Channell of the 116th and Stephens of the 164th:

A RESOLUTION recognizing and commending the culinary excellence of Chef Paul Andrew Albrecht and his many contributions to the City of Atlanta; and for other purposes.

HR 2051. By Representatives Martin of the 47th, Burkhalter of the 50th and Jones of the 46th:

A RESOLUTION commending and recognizing Robert "Ray" Hamilton for his contributions to education in Fulton County; and for other purposes.

HR 2052. By Representatives Burkhalter of the 50th and Martin of the 47th:

A RESOLUTION commending the Northview High School girls volleyball team; and for other purposes.

HR 2053. By Representatives Martin of the 47th, Burkhalter of the 50th and Jones of the 46th:

A RESOLUTION recognizing and commending Coach Glenn Michael Stephens on the occasion of his retirement; and for other purposes.

HR 2054. By Representative Brooks of the 63rd:

A RESOLUTION commending Ms. Eloise Johnson Tarver Hudson; and for other purposes.

HR 2055. By Representative Stanley-Turner of the 53rd:

A RESOLUTION recognizing Reverend Lamont Anthony Wells on the occasion of his third Pastoral Anniversary; and for other purposes.

HR 2056. By Representatives Graves of the 137th, Coleman of the 97th, Lunsford of the 110th, Ehrhart of the 36th and Fleming of the 117th:

A RESOLUTION congratulating Mr. and Mrs. Don Brady on the occasion of their 50th wedding anniversary; and for other purposes.

HR 2057. By Representative Fleming of the 117th:

A RESOLUTION remembering and honoring the life of Mrs. Marjorie E. Adams; and for other purposes.

HR 2058. By Representative Mosby of the 90th:

A RESOLUTION honoring Leatrice Winfrey; and for other purposes.

HR 2059. By Representative Tumlin of the 38th:

A RESOLUTION to recognize and congratulate Kelly Cornett Homlar on her graduation from medical school; and for other purposes.

HR 2060. By Representative Davis of the 109th:

A RESOLUTION expressing regret at the passing of Norm Cox; and for other purposes.

HR 2061. By Representative Cox of the 102nd:

A RESOLUTION commending the Parkview High School Literary Team; and for other purposes.

HR 2062. By Representative Cox of the 102nd:

A RESOLUTION commending Reverend Doctor Richard Benjamin Haynes; and for other purposes.

HR 2063. By Representative Cox of the 102nd:

A RESOLUTION commending the Parkview High School Concert Band; and for other purposes.

HR 2064. By Representative Ray of the 136th:

A RESOLUTION commemorating the 50th anniversary of the Museum of Arts and Sciences; and for other purposes.

HR 2065. By Representatives Dickson of the 6th and Williams of the 4th:

A RESOLUTION recognizing and commending Margaret Zeisig on 20 years of service with the United Way of Northwest Georgia; and for other purposes.

HR 2066. By Representatives Lucas of the 139th, Randall of the 138th, Graves of the 137th, Freeman of the 140th, Ray of the 136th and others:

A RESOLUTION recognizing the efforts of the Georgia Sports Hall of Fame; and for other purposes.

HR 2067. By Representatives Watson of the 91st, Mosby of the 90th, Stephenson of the 92nd and Mangham of the 94th:

A RESOLUTION commending Doris K. Wells; and for other purposes.

On the adoption of the Resolutions, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Martin	Sailor
Y Amerson	Y Cummings	Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Day	Y Horne	McCall	Y Scott, M
Y Barnard	Dean	Y Houston	McClinton	Setzler
Y Barnes	Y Dickson	Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Millar	Y Sheldon
Beasley-Teague	Y Dollar	Hugley	Mills	Sims, C
E Benfield	Drenner	Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	E Morgan	Sinkfield
Y Black	Ehrhart	Y James	Y Morris	Smith, B
Bordeaux	Y England	Jamieson	Mosby	Y Smith, L
Borders	E Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Fleming	Johnson	Murphy, J	Y Smith, T
Y Brown	Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Smyre
Y Bryant	Fludd	Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	E Stephenson
Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Knight	Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Thomas, A.M
Butler	Golick	Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Powell	Y Tumlin
Y Carter	Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren
E Chambers	Y Hanner	Y Lindsey	Ray	Watson
Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Reese	Williams, A
Y Cole	E Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Mangham	Y Rogers	Y Wix
Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Marin	Y Rynders	Richardson,
				Speaker

On the adoption of the Resolutions, the ayes were 119, nays 0.

The Resolutions were adopted.

Representative Parrish of the 156th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

Under the general order of business, established by the Committee on Rules, the following Bills of the Senate were taken up for consideration and read the third time:

SB 442. By Senators Moody of the 56th, Carter of the 13th, Meyer von Bremen of the 12th, Kemp of the 46th, Weber of the 40th and others:

A BILL to be entitled an Act to amend Chapter 7 of Title 19 of the Official Code of Georgia Annotated, relating to parent and child relationship generally, so as to change certain provisions relating to reporting of child abuse; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Hill, C.A	Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	McCall	Y Scott, M
Y Barnard	Dean	Y Houston	McClinton	Setzler
Y Barnes	Y Dickson	Howard, E	Y Meadows	Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
Beasley-Teague	Y Dollar	Hugley	Y Mills	Y Sims, C
E Benfield	Drenner	Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	E Morgan	Y Sinkfield
Y Black	Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Mosby	Smith, L
Borders	E Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Smyre
Y Bryant	Y Fludd	Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	E Stephenson
Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Knight	Y Parrish	Y Teilhet
Burns	Y Geisinger	Knox	Y Parsons	Y Thomas, A.M
Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren

E Chambers	Hanner	Y Lindsey	Y Ray	Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	E Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Marin	Y Rynders	Richardson,
				Speaker

On the passage of the Bill, the ayes were 139, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

SB 525. By Senator Williams of the 19th:

A BILL to be entitled an Act to amend Chapter 3 of Title 48 of the Official Code of Georgia Annotated, relating to tax executions, so as to change certain provisions regarding the issuance of tax executions by tax collectors and tax commissioners; to provide for a definition; to provide for procedures; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Chapter 3 of Title 48 of the Official Code of Georgia Annotated, relating to tax executions, so as to change certain provisions regarding the issuance of tax executions by tax collectors and tax commissioners; to provide for a definition; to provide for procedures; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 3 of Title 48 of the Official Code of Georgia Annotated, relating to tax executions, is amended by striking Code Section 48-3-3, relating to executions by tax collectors and tax commissioners, and inserting in its place a new Code Section 48-3-3 to read as follows:

"48-3-3.

(a) As used in this section, the term:

(1) 'New owner' means the most recent subsequent owner who has purchased such property during the year after January 1, but on or after the due date of that tax bill

- year and whose deed has been duly recorded in the records of the clerk of the superior court for that county.
- (2) 'Owner of record' means the owner whose name appears in the deed record as the owner as of January 1 of that tax bill year.
- (a)(b) The tax collector or tax commissioner shall issue executions for nonpayment of taxes collectable by him the tax collector or tax commissioner at any time after 30 days have elapsed since giving notice as provided in subsection (b)(c) of this Code section. The executions shall be directed to all and singular sheriffs and constables of the state.
- (b)(c) As soon as the last day for the payment of taxes has arrived, the tax collector or tax commissioner shall notify in writing the taxpayer of the fact that the taxes have not been paid and that, unless paid, an execution shall be issued; provided, however, that notice shall not be required for taxes due on personal property and executions may be issued on the day next following the day when taxes are due.
- (e)(d) No execution shall be issued against any person who is not the record owner of the property on the day that the taxes become delinquent, if, within 90 days from the due date, and when that person has provided satisfactory proof to the tax collector or tax commissioner that the property has been transferred by recorded deed and the liability for the payment of ad valorem taxes has been assigned to the vested transferee by written agreement or contract. In such cases, the execution shall be issued against the person who is the new record owner of the property on the date that taxes became delinquent only after such new owner has been sent a notice of the delinquent tax bill and that the tax collector or tax commissioner intends to issue a tax execution in the new owner's name against such delinquent property if the bill and all applicable interest and other charges are not paid within 30 days of the date of the notice. Such notice shall be mailed first class to the address of record as shown on the real estate transfer tax declaration form in the records of the clerk of the superior court and to the address shown on the closing documents if presented or to the property location if the address differs from that shown on the real estate transfer tax declaration form. If an execution has already been issued against the owner of record, such execution shall be affirmatively cleared and vacated of record by the tax collector or tax commissioner upon receiving satisfactory proof as provided in this subsection.
- (e) Whenever technologically feasible, the tax collector or tax commissioner, at the time tax bills or any subsequent delinquent notices are mailed, shall also mail such bills or notices to any new owner that at that time appear in the records of the county board of assessors. The bills or notices shall be mailed to the address of record as found in the county board of assessors' records.
- (f) The real estate transfer tax declaration form shall provide for and indicate the correct tax map parcel identification number before being accepted by the clerk of the superior court for recordation."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Setzler
Y Barnes	Y Dickson	Howard, E	Y Meadows	Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
Beasley-Teague	Dollar	Hugley	Y Mills	Sims, C
E Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	E Morgan	Y Sinkfield
Y Black	Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Mosby	Y Smith, L
Borders	E Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Smyre
Y Bryant	Y Fludd	Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	E Stephenson
Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren
E Chambers	Hanner	Lindsey	Ray	Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	E Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Mangham	Y Rogers	Y Wix
Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Hill, C	Marin	Y Rynders	Richardson,
				Speaker

On the passage of the Bill, by substitute, the ayes were 141, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Maddox of the 172nd stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

Representative McCall of the 30th District, Chairman of the Committee on Agriculture and Consumer Affairs, submitted the following report:

Mr. Speaker:

Your Committee on Agriculture and Consumer Affairs has had under consideration the following Bill of the Senate and has instructed me to report the same back to the House with the following recommendation:

SB 96 Do Pass, by Substitute

Respectfully submitted, /s/ McCall of the 30th Chairman

Representative Willard of the 49th District, Chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your Committee on Judiciary has had under consideration the following Bill of the Senate and has instructed me to report the same back to the House with the following recommendation:

SB 216 Do Pass

Respectfully submitted, /s/ Willard of the 49th Chairman

Under the general order of business, established by the Committee on Rules, the following Bills of the House and Senate were taken up for consideration and read the third time:

SB 562. By Senators Weber of the 40th and Williams of the 19th:

A BILL to be entitled an Act to amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to create the Georgia Higher Education Facilities Authority as a body corporate and politic, an

instrumentality of the state, and a public corporation; to provide a short title; to define terms; to provide for the members of the authority and their appointment, service, and compensation; to provide for the powers, duties, and operations of the authority; to provide for tax-exempt status of the authority; to provide for other related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL

To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to create the Georgia Higher Education Facilities Authority as a body corporate and politic, an instrumentality of the state, and a public corporation; to provide a short title; to define terms; to provide for the members of the authority and their appointment, service, and compensation; to provide for the powers, duties, and operations of the authority; to provide for tax-exempt status of the authority; to provide for legislative oversight; to provide for other related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by adding at the end a new chapter to read as follows:

"CHAPTER 16

20-16-1

This chapter shall be known and may be cited as the 'Georgia Higher Education Facilities Authority Act.'

20-16-2.

- (a) As used in this chapter, the term:
 - (1) 'Authority' means the Georgia Higher Education Facilities Authority.
 - (2) 'Board of regents' means the Board of Regents of the University System of Georgia.
 - (3) 'Board of technical and adult education' means the State Board of Technical and Adult Education.
 - (4) 'Bonds' or 'revenue bonds' means any bonds issued by the authority under this chapter, including refunding bonds.
 - (5) 'Construction' means construction, renovation, improvement, rehabilitation, or restoration

- (6) 'Cost of the project' means the cost of construction; the cost of all lands, real properties, personal properties, fixtures, rights, easements, and franchises acquired; the cost of all machinery and equipment; financing charges; interest prior to and during construction and for one year after completion of construction; cost of engineering; architectural, and legal expenses; cost of plans and specifications and other expenses necessary or incident to determining the feasibility or practicability of the project; administrative expense; and such other expenses as may be necessary or incident to the financing authorized in this chapter, the construction of any project, or the placing of it in operation and the condemnation of property necessary for such construction and operation. Any obligation or expense incurred for any of the foregoing purposes shall be regarded as a part of the cost of the project and may be paid or reimbursed as such out of the proceeds of revenue bonds issued under this chapter for such project.
- (7) 'Project' means facilities of every kind, type, and character deemed by the authority necessary or convenient for the efficient operation of any unit.
- (8) 'Unit' means any institution, school, academy, university, or experiment station at any particular location which forms a part of the university system or is under the control of the board of technical and adult education.
- (9) 'University system' means the University System of Georgia.
- (b) Any project or combination of projects shall be deemed 'self-liquidating,' if, in the judgment of the authority, the revenues, rents, or earnings to be derived by the authority therefrom will be sufficient to pay the cost of maintaining, repairing, and operating the project and to pay the principal of and interest on revenue bonds which may be issued for the cost of such project, projects, or combination of projects.

20-16-3.

(a) There is created a body corporate and politic to be known as the Georgia Higher Education Facilities Authority, which shall be deemed to be an instrumentality of this state and a public corporation; and by that name, style, and title such body may contract and be contracted with, bring and defend actions, and implead and be impleaded. The authority shall consist of five members, as follows: three appointees of the Governor, one appointee of the Speaker of the House of Representatives who is a member of the board of technical and adult education, and one appointee of the President Pro Tempore of the Senate who is a member of the board of regents. The initial term of office of the Governor's appointees shall end on June 30, 2007. The initial term of office of the Speaker of the House of Representative's appointee shall end on June 30, 2008. The initial term of office of the President Pro Tempore of the Senate's appointee shall end on June 30, 2009. After the expiration of these initial terms of office, the terms of office of all succeeding members shall be for three years. If, at the end of any term of office of any member, a successor thereto has not been appointed, the member whose term of office has expired shall continue to hold office until his or her successor is so appointed.

- (b) The authority shall elect one of its members as chairperson and another as vice chairperson and a secretary and treasurer, who need not necessarily be a member of the authority. The majority of the members of the authority shall constitute a guorum. No vacancy on the authority shall impair the right of the quorum to exercise all the rights and perform all the duties of the authority, except as otherwise provided in this chapter. The members of the authority shall be entitled to and shall be reimbursed for their reasonable travel and expenses necessarily incurred in the performance of their duties and shall receive the same per diem as do members of the General Assembly. The authority may hire staff or may have staff assigned from within the university system or from the Department of Technical and Adult Education for the purposes of carrying out the duties and responsibilities contained in this chapter, with compensation paid from resources available to the authority or the board of regents or the board of technical and adult education, as such boards and the authority may agree. The authority shall make bylaws for its own government. It shall have perpetual existence. Any change in name or composition of the authority shall in no way affect the vested rights of any person under the provisions of this chapter or impair the obligations of any contracts existing under this chapter.
- (c) The authority is assigned to the Georgia State Financing and Investment Commission for administrative purposes only as prescribed in Code Section 50-4-3.
- (d) No member of the authority shall transact any business, as such term is defined in Code Section 45-10-20, with the state, the University System of Georgia or any of its institutions, or the Department of Technical and Adult Education or any of its institutions.

20-16-4.

The authority shall have power:

- (1) To have a seal and alter it at pleasure;
- (2) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and personal property of every kind and character for its corporate purposes;
- (3) To acquire in its own name by purchase, on such terms and conditions, and in such manner as it may deem proper, real property or estates for years, usufructs, or rights of easements therein or franchises necessary or convenient for its corporate purposes and to use them so long as its corporate existence shall continue and to lease or make contracts with respect to the use of or dispose of them in any manner it deems to the best advantage of the authority; and if the authority shall deem it expedient to construct or finance any project on lands which are a part of the campus, grounds, or other real estate holdings of a unit, the Governor and the board of regents, as may be applicable, are authorized to execute for and on behalf of the state a lease for the term of the financing, such lease to terminate when the bonds for the project are retired, upon such lands to the authority or to an entity borrowing funds from the authority for such parcel or parcels as shall be needed for a period not to exceed 50 years, provided that such lands shall remain subject to the police power jurisdiction of

the board of regents or the board of technical and adult education, as may be applicable;

- (4) To appoint an executive director who shall be the executive officer and administrative head of the authority. The executive director shall be appointed by and shall serve at the pleasure of the members of the authority. The executive director shall hire officers, agents, and employees, prescribe their duties and qualifications and fix their compensation, and perform such other duties as may be prescribed by the members of this authority. Such officers, agents, and employees shall serve at the pleasure of the executive director;
- (5) To make and execute contracts, leases, rental agreements, and other instruments necessary or convenient to exercise the powers of the authority, including contracts for construction of projects and leases of projects or contracts with respect to the use or operation of projects which the authority causes to be erected or acquired;
- (6) To construct, erect, acquire, own, repair, remodel, maintain, add to, extend, improve, equip, operate, and manage projects to be located on property owned by or leased by the authority;
- (7) To extend credit or make loans to any person, firm, corporation, limited liability company, or other type of entity for the planning, design, construction, acquisition, refinancing, or carrying out of any project, which credit or loans shall be secured by loan agreements, deeds to secure debt, security agreements, contracts, and all other instruments, fees, or charges, upon such terms and conditions as the authority shall determine reasonable in connection with such loans, including provision for the establishment and maintenance of reserves and insurance funds, and to require the inclusion in any contract, loan agreement, deed to secure debt, security agreement, or other instrument, of such provisions for guaranty, insurance, construction, use, operation, maintenance, and financing of a project as the authority may deem necessary or desirable;
- (8) To acquire, accept, or retain equitable interests, security interests, or other interests in any property, real or personal, by deed to secure debt, assignment, security agreement, pledge, conveyance, contract, lien, loan agreement, or other consensual transfer, with any such instrument terminating when the bonds for the project are retired, in order to secure the repayment of any moneys loaned or credit extended by the authority;
- (9) To accept loans or grants of money or materials or property of any kind from the United States or any agency or instrumentality thereof upon such terms and conditions as the United States or such agency or instrumentality may impose;
- (10) To borrow money for any of its corporate purposes and to issue negotiable revenue bonds payable solely from funds pledged for that purpose and to provide for the payment of such bonds and for the rights of the holders thereof;
- (11) To borrow money for any of its corporate purposes, on either an unsecured or secured basis, and to execute loan agreements, promissory notes, and other contracts and instruments in connection therewith and to provide for the repayment of such loans and for the rights of the lenders thereof;

- (12) As security for repayment of its revenue bonds, loans, or notes, to pledge, mortgage, convey, assign, hypothecate, or otherwise encumber any property, real or personal, of such authority, to the extent of its interest therein, and to execute any trust agreement, indenture, or security agreement containing any provisions not in conflict with law, which trust agreement, indenture, or security agreement may provide for foreclosure or forced sale of any property of the authority upon default on such bonds, loans, or notes, either in payment of principal or interest or in the performance of any term or condition as are contained in such agreement or indenture. The state waives any right which it may have to prevent the forced sale or foreclosure of any property of the authority so mortgaged or encumbered, to the extent of the interest of the authority therein but not any interest of the state therein, and any such mortgage or encumbrance may be foreclosed in accordance with law and the terms thereof;
- (13) To procure or to provide insurance against any loss in connection with its programs, property, and other assets.
- (14) To receive and administer gifts, grants, and devises of money and property of any kind from any source and to administer trusts;
- (15) To exercise any power usually possessed by private corporations performing similar functions which is not in conflict with the Constitution and laws of this state; and
- (16) To do all things necessary or convenient to carry out the powers expressly given in this chapter.

20-16-5.

- (a) Revenue bonds issued by the authority shall be paid solely from the property (including, but not limited to, real property, fixtures, personal property, revenues, or other funds) pledged, mortgaged conveyed, assigned, hypothecated, or otherwise encumbered to secure or to pay such bonds. No revenue bonds shall be issued by the authority under this chapter unless its members adopt a resolution finding that the project or combination of projects for which such bonds are to be issued will be self-liquidating.
- (b) All revenue bonds shall be authorized by resolution of the authority, adopted by a majority vote of the full membership of the authority at a regular or special meeting.
- (c) Revenue bonds shall bear such date or dates, shall mature at such time or times (not more than 40 years from their respective dates), shall bear interest at such rate or rates (which may be fixed or may fluctuate or otherwise change from time to time), shall be subject to redemption on such terms, and shall contain such other terms, provisions, covenants, assignments, and conditions as the resolution authorizing the issuance of such bonds may permit or provide. The terms, provisions, covenants, assignments, and conditions contained in or provided or permitted by any resolution of the authority authorizing the issuance of such revenue bonds shall bind the members of the authority then in office and their successors.
- (d) The authority shall have power from time to time and whenever it deems it expedient to refund any bonds by the issuance of new bonds, whether or not the bonds

to be refunded have matured, and may issue bonds partly to refund bonds then outstanding and partly for any other purpose permitted under this chapter. The refunding bonds may be exchanged for the bonds to be refunded, with such cash adjustments as may be agreed upon, or may be sold and the proceeds applied to the purchase or redemption of the bonds to be refunded.

- (e) Any limitations with respect to interest rates or any maximum interest rate or rates found in the usury laws of this state or any other laws of this state shall not apply to revenue bonds of the authority.
- (f) The authority shall not have outstanding at any one time bonds and notes exceeding \$300 million.

20-16-6.

- (a) Bonds of the authority shall be confirmed and validated in accordance with the procedure of Article 3 of Chapter 82 of Title 36.
- (b) Bonds issued by the authority may be in such form, either coupon or fully registered, or both coupon and fully registered, and may be subject to such exchangeability and transferability provisions, as the bond resolution authorizing the issuance of such bonds or any indenture or trust agreement may provide.
- (c) Bonds shall bear a certificate of validation. The signature of the clerk of the Superior Court of Fulton County may be made on the certificate of validation of such bonds by facsimile or by manual execution, stating the date on which such bonds were validated; and such entry shall be original evidence of the fact of judgment and shall be received as original evidence in any court in this state.

20-16-7.

- (a) Subject to the limitations and procedures provided by this Code section and by Code Section 20-16-6, the agreements or instruments executed by the authority may contain such provisions not inconsistent with law as shall be determined by the members of the authority.
- (b) The proceeds derived from the sale of all bonds issued by the authority shall be held and used for the ultimate purpose of paying, directly or indirectly as permitted in this chapter, all or part of the cost of any project, or for the purpose of refunding any bonds or bond anticipation notes issued in accordance with this chapter.
- (c) Issuance by the authority of one or more series of bonds or bond anticipation notes for one or more projects shall not preclude it from issuing other bonds in connection with the same project or with any other projects; but the proceeding wherein any subsequent bonds are issued shall recognize and protect any prior loan agreement, mortgage, deed to secure debt, trust deed, security agreement, or other agreement or instrument made for any prior issue of bonds, unless in the resolution authorizing such prior issue the right is expressly reserved to the authority to issue subsequent bonds on a parity with such prior issue.
- (d) The authority shall have the power and is authorized, whenever bonds of the authority shall have been validated as provided in this chapter, to issue from time to

time its notes in anticipation of such bonds as validated and to renew from time to time any such notes by the issuance of new notes, whether or not the notes to be renewed have matured. The authority may issue such bond anticipation notes only to provide funds which would otherwise be provided by the issuance of the bonds as validated. Such notes may be authorized, sold, executed, and delivered in the same manner as bonds. As with its bonds, the authority may sell such notes at public sale or at private sale. Any resolution or resolutions authorizing notes of the authority or any issue thereof may contain any provisions which the authority is authorized to include in any resolution or resolutions authorizing bonds of the authority of any issue thereof; and the authority may include in any notes any terms, covenants, or conditions which the authority is authorized to include in any bonds. Validation of such bonds shall be a condition precedent to the issuance of such notes, but it shall not be required that such notes be judicially validated. Bond anticipation notes shall not be issued in an amount exceeding the par value of the bonds in anticipation of which they are to be issued.

20-16-8

The authority may sell its bonds in such manner and for such price as it may determine to be for the best interests of the authority. Whenever the authority shall determine to issue its bonds, it shall request the Georgia State Financing and Investment Commission to approve the bonds and carry out other services for the authority as provided by Article 2 of Chapter 17 of Title 50.

20-16-9.

Revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions, and things which are specified or required by this chapter. In the discretion of the authority, revenue bonds of a single issue may be issued for the purpose of paying the cost of any one or more, including a combination of, projects at any one unit or any number of units. Any resolution providing for the issuance of revenue bonds under this chapter shall become effective immediately upon its passage and need not be published or posted. Any such resolution may be passed at any regular or special or adjourned meeting of the authority by a majority of its full membership.

20-16-10.

Revenue bonds issued under this chapter shall not be deemed to constitute a debt of the state or a pledge of the faith and credit of the state, but such bonds shall be payable solely from the property provided for in Code Section 20-16-5; and the issuance of such revenue bonds shall not directly, indirectly, or contingently obligate the state to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment; and all such bonds shall contain recitals on their face covering substantially the foregoing provisions of this Code section.

20-16-11.

The bonds authorized in this chapter are made securities in which all public officers and public bodies of this state and all municipalities and all political subdivisions; all insurance companies and associations and other persons carrying on an insurance business; all banks, bankers, trust companies, savings banks, and savings associations, including savings and loan associations, building and loan associations, investment companies, and other persons carrying on a banking business; all administrators, guardians, executors, trustees, and other fiduciaries; and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of the state may properly and legally invest funds including capital in their control or belonging to them. The bonds are also made securities which may be deposited with and shall be received by all public officers and public bodies of this state and all municipalities and political subdivisions for any purpose for which the deposit of the bonds or other obligations of this state is authorized.

20-16-12.

The creation of the authority and the carrying out of its corporate purpose is in all respects for the benefit of the people of this state and is a public purpose, and the authority will be performing an essential governmental function in the exercise of the power conferred upon it by this chapter; and this state covenants with the holders of the bonds that the authority shall be required to pay no taxes or assessments upon any of the property acquired or leased by it or under its jurisdiction, control, possession, or supervision or upon its activities in the operation or maintenance of the buildings erected or acquired by it or any fees, rentals, or other charges for the use of such buildings or other income received by the authority, and that the bonds of the authority, their transfer, and the income therefrom shall at all times be exempt from taxation within the state.

20-16-13.

- (a) The Attorney General shall provide legal services for the authority and in connection therewith the provisions of Code Sections 45-15-13 through 45-15-16 shall be fully applicable.
- (b) The members of the authority shall be accountable in all respects as trustees. The authority shall keep suitable books and records of all actions and transactions and shall submit such books together with a statement of the authority's financial position to an independent auditing firm selected by the authority on or about the close of the state's fiscal year for the purpose of obtaining an audit of the authority's finances.

20-16-14.

Any action to protect or enforce any rights under this chapter shall be brought in the Superior Court of Fulton County; and any action pertaining to validation of any bonds issued under this chapter shall likewise be brought in such court, which shall have exclusive, original jurisdiction of such actions.

20-16-15.

All moneys received pursuant to the authority of this chapter, whether as proceeds from the sale of revenue bonds, as grants or other contributions, or as revenues, rents, and earnings, shall be deemed to be trust funds to be held and applied solely as provided in this chapter.

20-16-16.

This chapter shall be deemed to provide an additional and alternative method for the doing of the things authorized by this chapter, shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing.

20-16-17.

This chapter, being for the welfare of the state and its inhabitants, shall be liberally construed to effect its purposes.

20-16-18.

- (a) There is created as a joint committee of the General Assembly the Georgia Higher Education Facilities Authority Committee to be composed of five members of the House of Representatives appointed by the Speaker of the House, two of whom shall be members of the minority party, five members of the Senate appointed by the Senate Committee on Assignments, two of whom shall be members of the minority party, the chairperson of the House Committee on Higher Education or his or her designee, and the chairperson of the Senate Higher Education Committee or his or her designee. The members of the committee shall serve two-year terms concurrent with their terms as members of the General Assembly. The Senate Committee on Assignments shall appoint a cochairperson from the Senate members of the committee, and the Speaker of the House shall appoint a cochairperson from the House of Representatives members of the committee. The cochairpersons shall serve terms of two years concurrent with their terms as members of the General Assembly. Vacancies in an appointed member's position or in the offices of cochairperson of the committee shall be filled for the unexpired term in the same manner as the original appointment. The committee shall periodically inquire into and review the operations of the Georgia Higher Education Facilities Authority, as well as periodically review and evaluate the success with which the authority is accomplishing its statutory duties and functions as provided in this chapter.
- (b) The state auditor, the Attorney General, and all other agencies of state government, upon request by the committee, shall assist the committee in the discharge of its duties set forth in this Code section. The committee may employ not more than two staff members and may secure the services of independent accountants, engineers, and consultants.
- (c) The Georgia Higher Education Facilities Authority shall cooperate with the committee, its authorized personnel, the Attorney General, the state auditor, the state

accounting officer, and other state agencies in order that the charges of the committee, set forth in this Code section, may be timely and efficiently discharged. The authority shall submit to the committee such reports and data as the committee shall reasonably require of the authority in order that the committee may adequately perform its functions. The Attorney General is authorized to bring appropriate legal actions to enforce any laws specifically or generally relating to the Georgia Higher Education Facilities Authority. The committee shall, on or before the first day of January of each year, and at such other times as it deems necessary, submit to the General Assembly a report of its findings and recommendations based upon the review of the Georgia Higher Education Facilities Authority, as set forth in this chapter.

- (d) In the discharge of its duties, the committee shall evaluate the performance of the Georgia Higher Education Facilities Authority consistent with the following criteria:
 - (1) Prudent, legal, and accountable expenditure of public funds;
 - (2) Efficient operation; and
 - (3) Performance of its statutory responsibilities.
 - (e)(1) The committee is authorized to expend state funds available to the committee for the discharge of its duties. Such funds may be used for the purposes of compensating staff personnel; paying for services of independent accountants, engineers, and consultants; and paying all other necessary expenses incurred by the committee in performing its duties.
 - (2) The members of the committee shall receive the same compensation, per diem, expenses, and allowances for their service on the committee as is authorized by law for members of interim legislative study committees.
 - (3) The funds necessary for the purposes of the committee shall come from the funds appropriated to and available to the legislative branch of government."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and withdrawn:

Representative Forster of the 3rd moves to amend the Committee substitute to SB 562 as follows:

Page 2 line 35 change "2007" to "2009." Page 3 line 1 change "2009" to "2007."

The Committee substitute was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	N Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	N May	Y Scott, A
Y Ashe	Day	N Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	N Houston	McClinton	Y Setzler
Y Barnes	Y Dickson	Howard, E	N Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
E Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
N Benton	Y Dukes	Y Jacobs	E Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Jamieson	Y Mosby	Y Smith, L
Borders	E Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	N Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	N Forster	Y Keen	Y O'Neal	Stephens
Y Buckner, G	N Franklin	Y Keown	Y Orrock	E Stephenson
Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
N Byrd	Y Graves, D	Y Lane, B	N Powell	Y Tumlin
Y Carter	N Graves, T	Y Lane, R	Y Ralston	Y Walker
N Casas	Y Greene	Y Lewis	Y Randall	Y Warren
E Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Loudermilk	Y Reece, S	Y Willard
Y Coan	Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	E Heard, K	Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Y Mangham	Rogers	Y Wix
Cooper	Y Henson	Y Manning	Y Royal	Y Yates
N Cox	Y Hill, C	Y Marin	Y Rynders	Richardson,
			-	Speaker

On the passage of the Bill, by substitute, the ayes were 140, nays 14.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 1658. By Representative Smith of the 168th:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Alma, approved April 4, 1967 (Ga. L. 1967, p. 2643), as amended, particularly by an Act approved May 30, 2003 (Ga. L. 2003, p. 3940), so as

to change the number and the description of the council districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for election and terms of office of subsequent members; to provide for eligibility and qualifications; to provide for the election of the mayor; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend an Act creating a new charter for the City of Alma, approved April 4, 1967 (Ga. L. 1967, p. 2643), as amended, so as to change the number and the description of the council districts; to provide that the board of elections and registration of Bacon County shall serve as the election superintendent for the City of Alma; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating a new charter for the City of Alma, approved April 4, 1967 (Ga. L. 1967, p. 2643), as amended, is amended by inserting immediately following Section 6.01 a new section to read as follows:

"SECTION 6.01A. Election superintendent.

Any other provision of this Act to the contrary notwithstanding, the board of elections and registration of Bacon County shall serve as the election superintendent for the City of Alma."

SECTION 2.

It shall be the duty of the attorney of the City of Alma to submit this Act for approval pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Hill, C.A	Y Martin	Y Sailor
Y Amerson	Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Y Setzler
Y Barnes	Y Dickson	Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
E Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	E Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Jamieson	Y Mosby	Y Smith, L
Borders	E Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Smyre
Y Bryant	Y Fludd	Jordan	Y Oliver	Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	E Stephenson
Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Lakly	Y Porter	Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Lewis	Y Randall	Y Warren
E Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	E Heard, K	Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Rogers	Y Wix
Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson,
				Speaker

On the passage of the Bill, by substitute, the ayes were 153, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

The following Bill of the House was taken up for the purpose of considering the Senate amendment thereto:

HB 1390. By Representative Ehrhart of the 36th:

A BILL to be entitled an Act to amend Chapter 30 of Title 43 of the Official Code of Georgia Annotated, relating to optometrists, so as to change certain provisions relating to creation of the State Board of Optometry, its composition, and qualifications of its members; to change certain provisions relating to the terms of office of board members; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate moves to amend HB 1390 by striking "to provide for a standard of care;" on line 3 of page 1.

By striking lines 17 through 23 of page 1 and inserting in its place the following:

(ii) Oral antibiotics limited to tetracycline, doxycycline, cephalosporin, and dicloxacillin for use in treating ocular surface disease and lid disease only; provided, however, that a doctor of optometry shall not be authorized to treat systemic diseases."

Representative Ehrhart of the 36th moved that the House disagree to the Senate amendment to HB 1390.

The motion prevailed.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has adopted by the requisite constitutional majority the following resolution of the Senate:

SR 1322. By Senators Williams of the 19th, Brown of the 26th and Johnson of the 1st:

A RESOLUTION relative to adjournment; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bills of the Senate were taken up for consideration and read the third time:

SB 450. By Senators Kemp of the 46th, Wiles of the 37th, Seabaugh of the 28th, Mullis of the 53rd, Whitehead, Sr. of the 24th and others:

A BILL to be entitled an Act to amend Title 15 of the Official Code of Georgia Annotated, relating to courts; Chapter 2 of Title 21 of the O.C.G.A.,

relating to primaries and elections generally; Chapter 5 of Title 36 of the O.C.G.A., relating to organization of county government; and Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, so as to revise the pay structure for certain county officers and officials; to revise the minimum salary schedules of pay for sheriffs, tax commissioners, clerks of superior court, and judges of probate court; to provide for longevity pay increases for certain members of county governing authorities; to provide for legislative intent; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL

To amend Title 15 of the Official Code of Georgia Annotated, relating to courts; Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally; Chapter 5 of Title 36 of the Official Code of Georgia Annotated, relating to organization of county government; and Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, so as to revise the pay structure for certain county officers and officials; to revise the minimum salary schedules of pay for sheriffs, tax commissioners, clerks of superior court, and judges of probate court; to provide for longevity pay increases for certain members of county governing authorities; to provide for the recalculation of minimum salaries in any year in which the Department of Community Affairs publishes a census estimate for the county that is higher than the preceding decennial census; to provide for legislative intent; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by striking Code Section 15-6-88, relating to minimum annual salary schedule for clerks of superior court, and inserting in lieu thereof a new Code Section 15-6-88 to read as follows:

"15-6-88.

(a) Any other provision of law to the contrary notwithstanding, the minimum annual salary of each clerk of the superior court in each county of this state shall be fixed according to the population of the county in which he or she serves, as determined by the United States decennial census of 1990 2000 or any future such census; provided, however, that such annual salary shall be recalculated in any year following a census year in which the Department of Community Affairs publishes a census estimate for the county prior to July 1 in such year that is higher than the immediately preceding decennial census. Except as otherwise provided in subsection (b) of this Code section,

each such clerk shall receive an annual salary, payable in equal monthly installments from the funds of the county, of not less than the amount fixed in the following schedule:

<u>Population</u>	Minimum Salary
0 - 5,999	\$26,433.73 <u>29,832.20</u>
6,000 - 11,889	<u>36,300.86</u> <u>40,967.92</u>
11,890 - 19,999	41,121.55 46,408.38
20,000 - 28,999	44,057.42 49,721.70
29,000 - 38,999	46,993.29 53,035.03
39,000 - 49,999	
50,000 - 74,999	
75,000 - 99,999	<u>54,338.42</u> <u>67,800.09</u>
100,000 - 149,999	<u>55,806.96</u> <u>72,434.13</u>
150,000 - 199,999	
200,000 - 249,999	<u>58,744.04</u> <u>84,458.82</u>
250,000 - 299,999	<u>81,238.19</u> <u>91,682.66</u>
300,000 - 399,999	<u>89,678.05</u> <u>101,207.60</u>
400,000 - 499,999	93,319.06 105,316.72
500,000 or more	9 6,960.07 <u>109,425.84</u>

(b) On and after July 1, 2001 2007, whenever the employees in the classified service of the state merit system receive a cost-of-living increase or general performance based increase of a certain percentage or a certain amount, the amounts fixed in the minimum salary schedule in subsection (a) of this Code section, in Code Section 15-6-89, and in subsection (b) of Code Section 15-10-105, or the amounts derived by increasing each of said amounts through the application of longevity increases pursuant to subsection (a) of Code Section 15-6-90, where applicable shall be increased by the same percentage or same amount applicable to such state employees. If the cost-of-living increase or general performance based increase received by state employees is in different percentages or different amounts as to certain categories of employees, the amounts fixed in the minimum salary schedule in subsection (a) of this Code section, in Code Section 15-6-89, and in subsection (b) of Code Section 15-10-105, or the amounts derived through the application of longevity increases, shall be increased by a percentage or an amount not to exceed the average percentage or average amount of the

general increase in salary granted to the state employees. The Office of Planning and Budget shall calculate the average percentage increase or average amount increase when necessary. The periodic changes in the amounts fixed in the minimum salary schedule in subsection (a) of this Code section, in Code Section 15-6-89, in subsection (b) of Code Section 15-10-105, or the amounts derived through the application of longevity increases, as authorized by this subsection shall become effective on the first day of January following the date that the cost-of-living increases or general performance based increases received by state employees become effective; provided, however, that if the cost-of-living increases received by state employees become effective on January 1, such periodic changes in the amounts fixed in the minimum salary schedule in subsection (a) of this Code section, in Code Section 15-6-89, and in subsection (b) of Code Section 15-10-105, or the amounts derived by increasing each of said amounts through the application of longevity increases pursuant to subsection (a) of Code Section 15-6-90, shall become effective on the same date that the cost-of-living increases or general performance based increases received by state employees become effective.

- (c) This Code section shall not be construed to reduce the salary of any clerk of the superior court in office on July 1, 1991; provided, however, that successors to such clerks in office on July 1, 1991, shall be governed by the provisions of subsections (a) and (b) of this Code section.
- (d) The county governing authority may supplement the minimum annual salary of the clerk of the superior court in such amount as it may fix from time to time; but no clerk's compensation supplement shall be decreased during any term of office. Any prior expenditure of county funds to supplement the clerk's salary in the manner authorized by this subsection is ratified and confirmed. Nothing contained in this subsection shall prohibit the General Assembly by local law from supplementing the annual salary of the clerk."

SECTION 2.

Said title is further amended by striking Code Section 15-6-89, relating to additional remuneration for certain services for clerks of superior court, and inserting in lieu thereof a new Code Section 15-6-89 to read as follows:

"15-6-89.

In addition to the minimum salary provided in Code Section 15-6-88 or any other salary provided by any applicable general or local law, each clerk of the superior court of any county who also serves as clerk of a state court, city court, juvenile court, or civil court under any applicable general or local law of this state or who performs duties pursuant to paragraph (1) of subsection (a) of Code Section 15-12-1 shall receive for his or her services in such other court a salary of not less than \$286.73 323.59 per month, to be paid from the funds of the county. In the event any such court for which a clerk of the superior court is serving as clerk is abolished, the clerk of the superior court shall not be entitled to any salary heretofore received for service in such court."

SECTION 3.

Said title is further amended by striking Code Section 15-9-63, relating to schedule of minimum salaries of judges of the probate court, and inserting in lieu thereof a new Code Section 15-9-63 to read as follows:

"15-9-63.

(a)(1) Any other laws to the contrary notwithstanding, the minimum annual salary of each judge of the probate court in this state shall be fixed according to the population of the county in which he or she serves, as determined by the United States decennial census of 1990 2000 or any future such census; provided, however, that such annual salary shall be recalculated in any year following a census year in which the Department of Community Affairs publishes a census estimate for the county prior to July 1 in such year that is higher than the immediately preceding decennial census. Each such judge of the probate court shall receive an annual salary, payable in equal monthly installments from the funds of his or her county, of not less than the amount fixed in the following schedule:

<u>Population</u>	Minimum Salary
0 - 5,999	\$ 24,893.57 <u>29,832.20</u>
6,000 - 11,889	32,869.82 <u>40,967.92</u>
11,890 - 19,999	36,512.04 <u>46,408.38</u>
20,000 - 28,999	4 0,336.31 <u>49,721.70</u>
29,000 - 38,999	44,625.42 53,035.03
39,000 - 49,999	
50,000 - 74,999	<u>50,654.92</u> <u>63,164.60</u>
75,000 - 99,999	<u>55,796.04</u> <u>67,800.09</u>
100,000 - 149,999	
150,000 - 199,999	
200,000 - 249,999	
250,000 - 299,999	
300,000 - 399,999	<u>81,569.52</u> <u>101,207.60</u>
400,000 - 499,999	<u>82,210.53</u> <u>105,316.72</u>
500,000 or more	•
(2) On and after July 1, 2001 2007, whene	ever the employees in the classified service

(2) On and after July 1, 2001 2007, whenever the employees in the classified service of the state merit system receive a cost-of-living increase or general performance

based increase of a certain percentage or a certain amount, the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection and in Code Section 15-9-64, or the amounts derived by increasing each of said amounts through the application of longevity increases pursuant to Code Section 15-9-65, where applicable, shall be increased by the same percentage or same amount applicable to such state employees. If the cost-of-living increase or general performance based increase received by state employees is in different percentages or different amounts as to certain categories of employees, the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection, and in Code Section 15-9-64, or the amounts derived through the application of longevity increases, shall be increased by a percentage or an amount not to exceed the average percentage or average amount of the general increase in salary granted to the state employees. The Office of Planning and Budget shall calculate the average percentage increase or average amount increase when necessary. The periodic changes in the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection, and in Code Section 15-9-64, or the amounts derived through the application of longevity increases, as authorized by this paragraph shall become effective on the first day of January following the date that the cost-of-living increases or general performance based increases received by state employees become effective; provided, however, that if the cost-of-living increases received by state employees become effective on January 1, such periodic changes in the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection and in Code Section 15-9-64, or the amounts derived by increasing each of said amounts through the application of longevity increases pursuant to Code Section 15-9-65, where applicable, as authorized by this paragraph shall become effective on the same date that the cost-of-living increases or general performance based increases received by state employees become effective.

- (3) The county governing authority may supplement the minimum annual salary of the judge of the probate court in such amount as it may fix from time to time; but no probate judge's compensation supplement shall be decreased during any term of office. Any prior expenditure of county funds to supplement the probate judge's salary in the manner authorized by this paragraph is ratified and confirmed. Nothing contained in this paragraph shall prohibit the General Assembly by local law from supplementing the annual salary of the probate judge.
- (b) In any county in which more than 70 percent of the population of the county according to the United States decennial census of 1990 or any future such census resides on property of the United States government which is exempt from taxation by this state, the population of the county for purposes of subsection (a) of this Code section shall be deemed to be the total population of the county minus the population of the county which resides on property of the United States government."

SECTION 4.

Said title is further amended by striking subsections (a) and (b) of Code Section 15-9-63.1, relating to compensation of probate judges for services as magistrate or chief

magistrate, and inserting in lieu thereof new subsections (a) and (b) to read as follows:

"(a) Beginning January 1, 2002, in any county in which the probate judge serves as chief magistrate or magistrate, he or she shall be compensated for such services based on a minimum annual amount of \$10,316.20 11.642.54; provided, however, that compensation for a probate judge shall not be reduced during his or her term of office. (b) On and after July 1, 2001 2007, whenever the employees in the classified service of the state merit system receive a cost-of-living increase or general performance based increase of a certain percentage or a certain amount, the amount provided in subsection (a) of this Code section shall be increased by the same percentage or same amount applicable to such state employees. If the cost-of-living increase or general performance based increase received by state employees is in different percentages or different amounts as to certain categories of employees, the amount provided in subsection (a) of this Code section shall be increased by a percentage or an amount not to exceed the average percentage or average amount of the general increase in salary granted to the state employees. The Office of Planning and Budget shall calculate the average percentage increase or average amount increase when necessary. The periodic changes in the amount provided in subsection (a) of this Code section, as authorized by this subsection, shall become effective on the first day of January following the date that the cost-of-living increases or general performance based increases received by state employees become effective; provided, however, that if such increases received by state employees become effective on January 1, such periodic changes in the amount provided in subsection (a) of this Code section, as authorized by this subsection, shall become effective on the same date that the cost-of-living increases or general performance based increases received by state employees become effective."

SECTION 5.

Said title is further amended by striking Code Section 15-9-64, relating to supplementation of minimum salaries of probate judges, and inserting in lieu thereof a new Code Section 15-9-64 to read as follows:

"15-9-64.

The amount of minimum salary provided in Code Section 15-9-63 for the judges of the probate courts of any county presently on a salary who also hold and conduct elections or are responsible for conducting elections for members of the General Assembly under any applicable general or local law of this state shall be increased by \$286.73 323.59 per month. The amount of the minimum salary provided in Code Section 15-9-63 for the judges of the probate courts on a salary who are responsible for traffic cases under any general or local law of this state shall also be increased by \$358.34 404.41 per month."

SECTION 6.

Said title is further amended by striking subsection (a) of Code Section 15-16-20, relating to minimum annual salaries for sheriffs, and inserting in lieu thereof a new subsection (a) to read as follows:

"(a)(1) Any other law to the contrary notwithstanding, the minimum annual salary of each sheriff in this state shall be fixed according to the population of the county in which he or she serves, as determined by the United States decennial census of 1990 2000 or any future such census; provided, however, that such annual salary shall be recalculated in any year following a census year in which the Department of Community Affairs publishes a census estimate for the county prior to July 1 in such year that is higher than the immediately preceding decennial census. Except as otherwise provided in paragraph (2) of this subsection, each such sheriff shall receive an annual salary, payable in equal monthly installments from the funds of the sheriff's county, of not less than the amount fixed in the following schedule:

<u>Population</u>	Minimum Salary
0 - 5,999	\$ 37,256.02 <u>42,045.88</u>
6,000 - 11,889	4 1,573.04 <u>46,917.92</u>
11,890 - 19,999	
20,000 - 28,999	
29,000 - 38,999	<u>57,396.87</u> <u>64,776.16</u>
39,000 - 49,999	62,227.28 <u>70,227.59</u>
50,000 - 74,999	6 7,054.03 <u>75,674.90</u>
75,000 - 99,999	6 9,333.30 <u>78,247.21</u>
100,000 - 149,999	
150,000 - 199,999	
200,000 - 249,999	
250,000 - 299,999	<u>83,964.09</u> <u>94,759.02</u>
300,000 - 399,999	93,766.90 <u>105,822.14</u>
400,000 - 499,999	
500,000 or more	

(2) On and after July 1, 2001 2007, whenever the employees in the classified service of the state merit system receive a cost-of-living increase or general performance based increase of a certain percentage or a certain amount, the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection and in Code Section 15-16-20.1, or the amounts derived by increasing each of said amounts through the application of longevity increases pursuant to subsection (b) of this Code section, where applicable, shall be increased by the same percentage or same amount

applicable to such state employees. If the cost-of-living increase or general performance based increase received by state employees is in different percentages or different amounts as to certain categories of employees, the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection, and in Code Section 15-16-20.1, or the amounts derived through the application of longevity increases, shall be increased by a percentage or an amount not to exceed the average percentage or average amount of the general increase in salary granted to the state employees. The Office of Planning and Budget shall calculate the average percentage increase or average amount increase when necessary. The periodic changes in the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection, and in Code Section 15-16-20.1, or the amounts derived through the application of longevity increases, as authorized by this paragraph shall become effective on the first day of January following the date that the cost-of-living increases received by state employees become effective; provided, however, that if the cost-of-living increases or general performance based increases received by state employees become effective on January 1, such periodic changes in the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection, and in Code Section 15-16-20.1, or the amounts derived through the application of longevity increases, as authorized by this paragraph shall become effective on the same date that the cost-of-living increases or general performance based increases received by state employees become effective.

(3) The county governing authority may supplement the minimum annual salary of the sheriff in such amount as it may fix from time to time; but no sheriff's compensation supplement shall be decreased during any term of office. Any prior expenditure of county funds to supplement the sheriff's salary in the manner authorized by this paragraph is ratified and confirmed. Nothing contained in this paragraph shall prohibit the General Assembly by local law from supplementing the annual salary of the sheriff."

SECTION 7.

Said title is further amended by striking Code Section 15-16-20.1, relating to additional salary for sheriffs, and inserting in lieu thereof a new Code Section 15-16-20.1 to read as follows:

"15-16-20.1.

In addition to the minimum salary provided in Code Section 15-16-20, the sheriff of any county who performs the duties of a sheriff for a state court, probate court, magistrate court, juvenile court, or county recorder's court under any applicable general or local law of this state shall receive for his or her services in such court or courts a salary of not less than \$286.73 323.59 per month, to be paid from the funds of the county. A sheriff who serves in more than one such court shall receive only one such salary."

SECTION 8.

Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, is amended by striking subsection (c) of Code Section 21-2-213, relating to county deputy registrars, clerical help, and appointment of county officer or employee as chief deputy registrar, and inserting in lieu thereof a new subsection (c) to read as follows:

"(c) In every county wherein the registrars do not maintain an office which is open and staffed during regular business hours, the registrars shall designate and appoint as chief deputy registrar a full-time county officer or employee for the purpose of registering eligible electors and performing other duties as may be required by the board of registrars. The governing authority of the county shall provide for the compensation of the chief deputy registrar in an amount not less than \$259.88 293.29 per month. The name, business address, telephone number, and any other pertinent information relative to the chief deputy registrar shall be forwarded by the registrars to the Secretary of State's office, where such information shall be maintained on file."

SECTION 9.

Chapter 5 of Title 36 of the Official Code of Georgia Annotated, relating to organization of county government, is amended by adding a new Code Section 36-5-29 to read as follows:

"36-5-29.

- (a) Compensation to which a member of a county governing authority is entitled under general or local law, including amounts provided for in Code Sections 36-5-27 and 36-5-28 shall be increased by multiplying said amounts by the percentage which equals 2.5 percent times the number of completed, four-year terms of office served by such member of a county governing authority where such terms have been completed after December 31, 2004, effective the first day of January following the completion of each such period of service.
- (b) For a member of a county governing authority elected to two-year terms of office or six-year terms of office, the percentage increase provided for in subsection (a) of this Code section shall be 1.25 percent times the number of completed two-year terms or 3.75 percent times the number of completed six-year terms as applicable."

SECTION 10.

Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, is amended by striking subsection (g) of Code Section 48-5-137, relating to tax collectors and tax commissioners as ex officio sheriffs, and inserting in lieu thereof a new subsection (g) to read as follows:

"(g) Each tax collector or tax commissioner who is compensated on a salary basis and who is authorized to act as an ex officio sheriff under this Code section and whose office performs substantially all of the duties of the sheriff with respect to tax executions shall be entitled to a salary of \$309.93 349.78 per month for his or her service as ex officio sheriff. Such compensation shall be in addition to any other compensation to which such tax commissioner or tax collector is entitled. Such

additional compensation shall not be paid to any tax commissioner who is compensated solely by the fee system of compensation; but such compensation shall be paid to any tax commissioner who is compensated in part by fees and in part by a salary. Such compensation shall be paid in equal monthly installments from county funds."

SECTION 11.

Said chapter is further amended by striking subsection (b) of Code Section 48-5-183, relating to salaries of tax collectors and tax commissioners, and inserting in lieu thereof a new subsection (b) to read as follows:

"(b)(1) Any other law to the contrary notwithstanding, except for the provisions of paragraph (2) of this subsection, the minimum annual salary of each tax collector and tax commissioner who is compensated by an annual salary shall be fixed according to the population of the county in which he or she serves, as determined by the United States decennial census of 1990 2000 or any future such census; provided, however, that such annual salary shall be recalculated in any year following a census year in which the Department of Community Affairs publishes a census estimate for the county prior to July 1 in such year that is higher than the immediately preceding decennial census. Each such officer shall receive an annual salary, payable in equal monthly installments from the funds of his or her county, of not less than the amount fixed in the following schedule:

<u>Population</u>	Minimum Salary
0 - 5,999	\$ 26,336.77 <u>29,832.20</u>
6,000 - 11,889	<u>32,909.17</u> <u>40,967.92</u>
11,890 - 19,999	<u>37,100.42</u> <u>46,408.38</u>
20,000 - 28,999	
29,000 - 38,999	42,795.28 53,035.03
39,000 - 49,999	
50,000 - 74,999	<u>55,968.90</u> <u>63,164.60</u>
75,000 - 99,999	
100,000 - 149,999	
150,000 - 199,999	
200,000 - 249,999	
250,000 - 299,999	
300,000 - 399,999	<u>84,321.40</u> <u>101,207.60</u>

- (2) On and after July 1, 2001 2007, whenever the employees in the classified service of the state merit system receive a cost-of-living increase or general performance based increase of a certain percentage or a certain amount, the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection, in subsection (g) of Code Section 48-5-137, and, where applicable, in subsection (c) of Code Section 21-2-213, or the amounts derived by increasing each of said amounts through the application of longevity increases pursuant to subsection (d) of this Code section, where applicable shall be increased by the same percentage or same amount applicable to such state employees. If the cost-of-living increase or general performance based increase received by state employees is in different percentages or different amounts as to certain categories of employees, the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection, in subsection (g) of Code Section 48-5-137, and, where applicable, in subsection (c) of Code Section 21-2-213, or the amounts derived through the application of longevity increases, shall be increased by a percentage or an amount not to exceed the average percentage or average amount of the general increase in salary granted to the state employees. The Office of Planning and Budget shall calculate the average percentage increase or average amount increase when necessary. The periodic changes in the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection, in subsection (g) of Code Section 48-5-137, and, where applicable, in subsection (c) of Code Section 21-2-213, or the amounts derived through the application of longevity increases, as authorized by this paragraph shall become effective on the first day of January following the date that the cost-of-living increases received by state employees become effective; provided, however, that if the cost-of-living increases or general performance based increases received by state employees become effective on January 1, such periodic changes in the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection, in subsection (g) of Code Section 48-5-137, and, where applicable, in subsection (c) of Code Section 21-2-213, or the amounts derived through the application of longevity increases as authorized by this paragraph, shall become effective on the same date that the cost-of-living increases or general performance based increases received by state employees become effective.
- (3) The county governing authority may supplement the minimum annual salary of the tax commissioner in such amount as it may fix from time to time; but no tax commissioner's compensation supplement shall be decreased during any term of office. Any prior expenditure of county funds to supplement the tax commissioner's salary in the manner authorized by this paragraph is ratified and confirmed. Nothing contained in this paragraph shall prohibit the General Assembly by local law from supplementing the annual salary of the tax commissioner."

SECTION 12.

It is the intent of the General Assembly that, for those county officials covered in this Act whose minimum salaries are increased by operation of law when the General Assembly authorizes a cost-of-living increase or general performance based increase for the employees in the classified service of the state merit system, such county officials shall not receive any such increase authorized by the General Assembly in the Fiscal Year 2007 Appropriations Act since such increase is covered in the minimum salary schedules under this Act.

SECTION 13.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read:

Representatives Crawford of the 127th and Hudson of the 124th move to amend the Committee substitute to SB 450 by striking "2.5" on line 28 of page 9 and inserting in its place the following:

"5"

and, by striking "1.25" on line 1 of page 10 and inserting in its place the following:

"2.5"

and, by striking "3.75" on line 1 of page 10 and inserting in its place the following:

"7.5".

On the adoption of the amendment, the roll call was ordered and the vote was as follows:

N Abdul-Salaam N Amerson	Y Crawford Y Cummings	Y Hill, C.A N Holmes	Martin N Maxwell	N Sailor Y Scheid
E Anderson	N Davis	Y Holt	N May	N Scott, A
N Ashe	N Day	N Horne	Y McCall	N Scott, M
Barnard	N Dean	N Houston	McClinton	Setzler
Y Barnes	N Dickson	Y Howard, E	N Meadows	N Shaw
N Bearden	Y Dodson	Y Hudson	N Millar	N Sheldon
Beasley-Teague	Y Dollar	N Hugley	E Mills	Y Sims, C
E Benfield	Y Drenner	N Jackson	N Mitchell	Y Sims, F
N Benton	Y Dukes	N Jacobs	E Morgan	N Sinkfield
Y Black	N Ehrhart	Y James	N Morris	N Smith, B
Y Bordeaux	N England	Y Jamieson	N Mosby	Smith, L
Borders	E Epps	Y Jenkins	Y Mosley	N Smith, P
N Bridges	N Everson	N Jennings	Y Mumford	N Smith, R
N Brooks	Y Fleming	Y Johnson	Murphy, J	Y Smith, T
N Brown	Y Floyd, H	N Jones, J	N Murphy, Q	Y Smith, V

N Bruce	Y Floyd, J	N Jones, S	N Neal	N Smyre
Y Bryant	N Fludd	N Jordan	N Oliver	N Stanley-Turner
N Buckner, D	N Forster	Keen	Y O'Neal	Y Stephens
Y Buckner, G	N Franklin	Y Keown	Y Orrock	E Stephenson
Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	N Geisinger	N Knox	Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	N Thomas, B
N Byrd	Y Graves, D	N Lane, B	Powell	Y Tumlin
N Carter	N Graves, T	N Lane, R	Y Ralston	N Walker
N Casas	Y Greene	N Lewis	N Randall	Y Warren
E Chambers	Hanner	N Lindsey	N Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	N Wilkinson
Y Cheokas	N Hatfield	N Loudermilk	Y Reece, S	N Willard
N Coan	N Heard, J	N Lucas	N Reese	Y Williams, A
Y Cole	E Heard, K	Lunsford	N Rice	N Williams, E
N Coleman, B	N Heckstall	Y Maddox	Y Roberts	N Williams, R
Y Coleman, T	Y Hembree	N Mangham	Y Rogers	Y Wix
Cooper	Y Henson	N Manning	Y Royal	Y Yates
Cox	Hill, C	N Marin	Y Rynders	Richardson,
				Speaker

On the adoption of the amendment, the ayes were 72, nays 81.

The amendment was lost.

The following amendment was read:

Representatives Rogers of the 26th, Porter of the 143rd, and O'Neal of the 146th move to amend the Committee substitute to Senate Bill 450 by inserting between the semicolon and the word "and" on line 4 of page 1 the following:

Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees;

By inserting after "authorities;" on line 8 of page 1 the following:

to increase the investigation fee for coroners;

By inserting between lines 2 and 3 of page 10 the following:

SECTION 10.

Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, is amended by striking subsection (b) of Code Section 45-16-27, relating to inquests and coroner's investigation fee, and inserting in its place a new subsection (b) to read as follows:

"(b) On and after July 1, 1999 2006, coroners shall be entitled to an investigation fee of \$125.00 \$250.00 where no jury is impaneled or a fee of \$250.00 where a jury is

A deputy coroner shall receive the same fee as the coroner for the performance of services in place of the coroner and shall be paid upon receipt of a monthly statement to the county treasury. Such fee shall be paid within ten days after receipt of the coroner's monthly statement by the county where the investigation or inquest is held except in counties where the coroner receives an annual salary, in which case no fee shall be imposed upon the county by such salaried coroner or deputy coroner. <u>If a local Act provides for an investigation fee greater than \$250.00</u>, then the local Act shall control."

By redesignating Sections 10 through 13 as Sections 11 through 14, respectively.

The following amendment was read and adopted:

Representatives Bordeaux of the 162nd, Rogers of the 26th, and Porter of the 143rd move to amend the Rogers amendment to SB 450 as follows:

On page 1, lines 21 and 22 of the amendment (AM 38 0022) delete the underlined language and insert in lieu thereof the following:

"A higher investigation fee for a coroner or deputy coroner may be provided by local legislation."

The Rogers amendment, as amended, was adopted.

The following amendment was read and adopted:

Representative Rogers of the 26th et al. move to amend the Committee substitute to SB 450 by inserting after "clerks of superior court," on line 7 on page 1 "magistrates,".

By redesignating Sections 6 through 13 as Sections 8 through 15, respectively, and by inserting after line 3 on page 7 the following:

SECTION 6.

Said title is further amended by striking paragraphs (2), (4), and (5) of subsection (a) and the entirety of subsection (c) of Code Section 15-10-23, relating to minimum compensation and annual salary of magistrates, and inserting in lieu thereof new paragraphs (2), (4), and (5) and a new subsection (c) to read as follows:

"(2) Unless otherwise provided by local law, effective January 1, 2002 2007, the chief magistrate of each county who serves in a full-time capacity other than those counties where the probate judge serves as chief magistrate shall receive a minimum annual salary of the amount fixed in the following schedule:

<u>Population</u>	Minimum Salary
0 - 5 999	\$ 24.893.57 29.832.20

6,000 - 11,889	
11,890 - 19,999	$36,512.04 \overline{46,408.38}$
20,000 - 28,999	40 22 6 21 40 721 70
29,000 - 38,999	
39,000 - 49,999	$\frac{47,069.75}{56,352.46}$
50,000 - 74,999	<u>50,654.92</u> <u>63,164.60</u>
75,000 - 99,999	
100,000 - 149,999	$60,938.35$ $\overline{72,434.13}$
150,000 - 199,999	
200,000 - 249,999	
250,000 - 299,999	
300,000 - 399,999	
400,000 - 499,999	,
500,000 or more	

The minimum salary for each affected chief magistrate shall be fixed from the table in this subsection according to the population of the county in which the chief magistrate serves as determined by the United States decennial census of 1990 2000 or any future such census; provided, however, that such annual salary shall be recalculated in any year following a census year in which the Department of Community Affairs publishes a census estimate for the county prior to July 1 that is higher than the immediately preceding decennial census. Notwithstanding the provisions of this subsection, unless otherwise provided by local law, effective January 1, 1996, in any county in which more than 70 percent of the population according to the United States decennial census of 1990 or any future such census resides on property of the United States government which is exempt from taxation by this state, the population of the county for purposes of this subsection shall be deemed to be the total population of the county minus the population of the county which resides on property of the United States government."

- "(4) Unless otherwise provided by local law, each magistrate who serves in a full-time capacity other than the chief magistrate shall receive a minimum monthly salary of \$3,412.84 \$3,851.46 per month or 90 percent of the monthly salary that a full-time chief magistrate would receive according to paragraph (2) of this subsection, whichever is less.
- (5) All magistrates other than chief magistrates who serve in less than a full-time capacity or on call shall receive a minimum monthly salary of the lesser of \$19.69 \$22.22 per hour for each hour worked as certified by the chief magistrate to the county governing authority or 90 percent of the monthly salary that a full-time chief magistrate would receive according to paragraph (2) of this subsection; provided, however, that notwithstanding any other provisions of this subsection, no magistrate who serves in less than a full-time capacity shall receive a minimum monthly salary of less than \$525.08 \$592.58."

"(c) On and after July 1, 2001 2007, whenever the employees in the classified service of the state merit system receive a cost-of-living increase or general performance based increase of a certain percentage or a certain amount, the amounts provided in subsection (a) of this Code section, as increased by the supplement, if any, provided by subsection (d) of Code Section 15-10-105 and as increased by the application of longevity increases pursuant to subsection (b) of this Code section, shall be increased by the same percentage or same amount applicable to such state employees. If the costof-living increase or general performance based increase received by state employees is in different percentages or different amounts as to certain categories of employees, the amounts provided in subsection (a) of this Code section, as increased by the supplement, if any, provided by subsection (d) of Code Section 15-10-105 and as increased by the application of longevity increases pursuant to subsection (b) of this Code section, shall be increased by a percentage or an amount not to exceed the average percentage or average amount of the general increase in salary granted to the state employees. The Office of Planning and Budget shall calculate the average percentage increase or average amount increase when necessary. The periodic changes in the amounts provided in subsection (a) of this Code section, as increased by the supplement, if any, provided by subsection (d) of Code Section 15-10-105 and as increased by the application of longevity increases pursuant to subsection (b) of this Code section, as authorized by this subsection, shall become effective on the first day of January following the date that the cost-of-living increases or general performance based increases received by state employees become effective; provided, however, that if the cost-of-living increases received by state employees become effective on January 1, such periodic changes in the amounts provided in subsection (a) of this Code section, as increased by the supplement, if any, provided by subsection (d) of Code Section 15-10-105 and as increased by the application of longevity increases pursuant to subsection (b) of this Code section, as authorized by this subsection, shall become effective on the same date that the cost-of-living increases or general performance based increases received by state employees become effective."

SECTION 7.

Said title is further amended by striking subsections (b), (c), and (d) of Code Section 15-10-105, relating to selection of clerk of magistrate court and compensation, and inserting in lieu thereof new subsections (b), (c), and (d) to read as follows:

"(b) With the consent of the clerk of superior court the county governing authority may provide that the clerk of superior court shall serve as clerk of magistrate court and shall be compensated for his or her services as clerk of magistrate court in an amount not less than \$286.73 \$323.59 per month. With the consent of the clerk of the superior court and clerk of the state court, the county governing authority may provide that the state court clerk shall serve as clerk of magistrate court and shall be compensated for his or her service as clerk of magistrate court in an amount not less than \$286.73 \$323.59 per month. Such compensation shall be retained by the clerk of superior court as his or her

personal funds without regard to whether he or she is otherwise compensated on a fee basis or salary basis or both.

- (c) If the clerk of superior court or the clerk of state court does not serve as clerk of magistrate court, then the county governing authority may provide for the appointment by the chief magistrate of a clerk to serve at the pleasure of the chief magistrate. A clerk of magistrate court so appointed shall be compensated in an amount fixed by the county governing authority at not less than \$286.73 \$323.59 per month.
- (d) If there is no clerk of magistrate court, the chief magistrate or some other magistrate appointed by the chief magistrate shall perform the duties of clerk. A chief magistrate performing the duties of clerk, or another magistrate appointed by the chief magistrate to perform the duties of clerk, shall receive, in addition to any other compensation to which he or she is entitled, compensation for performing the duties of clerk, the amount of which compensation shall be fixed by the county governing authority at not less than \$286.73 \$323.59 per month."

The Committee substitute, as amended, was adopted.

Pursuant to Rule 133, Representatives Sims of the 169th and Byrd of the 20th were excused from voting on SB 450.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, as amended.

On the passage of the Bill, by substitute, as amended, the roll call was ordered and the vote was as follows:

N Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	N Sailor
Y Amerson	Y Cummings	N Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	N May	N Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	N Scott, M
Y Barnard	N Dean	N Houston	McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	N Meadows	N Shaw
Y Bearden	Y Dodson	Y Hudson	N Millar	Sheldon
Beasley-Teague	Y Dollar	N Hugley	E Mills	Sims, C
E Benfield	Y Drenner	N Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	N Jacobs	E Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Bordeaux	Y England	Y Jamieson	Y Mosby	Smith, L
Borders	E Epps	Y Jenkins	Y Mosley	N Smith, P
N Bridges	N Everson	N Jennings	Y Mumford	N Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
N Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	N Smyre
Y Bryant	N Fludd	N Jordan	Y Oliver	N Stanley-Turner
N Buckner, D	N Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	N Franklin	Y Keown	Y Orrock	E Stephenson
Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet

Y Burns	N Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Byrd	Y Graves, D	N Lane, B	Y Powell	Y Tumlin
Y Carter	N Graves, T	N Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	N Lewis	N Randall	Y Warren
E Chambers	Y Hanner	N Lindsey	Y Ray	N Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	N Wilkinson
Y Cheokas	N Hatfield	N Loudermilk	Y Reece, S	N Willard
N Coan	N Heard, J	N Lucas	N Reese	Y Williams, A
Y Cole	E Heard, K	Lunsford	Y Rice	N Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	N Williams, R
Y Coleman, T	Y Hembree	N Mangham	Y Rogers	Y Wix
Cooper	Y Henson	Y Manning	Y Royal	Y Yates
N Cox	Hill, C	Y Marin	Y Rynders	Richardson,
				Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 110, nays 47.

The Bill, having received the requisite constitutional majority, was passed, by substitute, as amended.

Representatives Jones of the 46th and Sheldon of the 105th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

SB 465. By Senators Adelman of the 42nd, Smith of the 52nd and Meyer von Bremen of the 12th:

A BILL to be entitled an Act to amend the O.C.G.A., so as to correct typographical, stylistic, capitalization, punctuation, and other errors and omissions in the O.C.G.A. and in Acts of the General Assembly amending the O.C.G.A.; to reenact the statutory portion of the O.C.G.A., as amended; to provide for necessary or appropriate revisions and modernizations of matters contained in the O.C.G.A.; to repeal portions of the Code and Acts related thereto which have become obsolete; to delete portions of the Code and Acts related thereto which have been superseded by subsequent state laws; to provide for and to correct citations in the O.C.G.A. and other codes and laws of the state; to rearrange, renumber, and redesignate provisions of the O.C.G.A.; to provide effective dates; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Davis	Y Holt	May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Millar	Sheldon
Beasley-Teague	Y Dollar	Y Hugley	E Mills	Y Sims, C
E Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	E Morgan	Y Sinkfield
Y Black	Ehrhart	Y James	Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Smith, L
Borders	E Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	E Stephenson
Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
E Chambers	Hanner	Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	E Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson,
- *	, -		- <i>y</i>	Speaker
				- F

On the passage of the Bill, the ayes were 151, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

SB 466. By Senators Adelman of the 42nd, Smith of the 52nd and Meyer von Bremen of the 12th:

A BILL to be entitled an Act to amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to correct typographical, stylistic, and other errors and omissions in Title 47 of the Official Code of Georgia Annotated and in Acts of the General Assembly amending Title 47 of the Official Code of Georgia Annotated; to correct capitalization and spelling in Title 47 of the Official Code of Georgia

Annotated; to provide for other matters relative to Title 47 of the Official Code of Georgia Annotated; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Scheid
E Anderson	Davis	Y Holt	May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	E Mills	Y Sims, C
E Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	E Morgan	Y Sinkfield
Y Black	Ehrhart	Y James	Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Smith, L
Borders	E Epps	Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	E Stephenson
Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
E Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	E Heard, K	Y Lunsford	Y Rice	Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson,
				Speaker

On the passage of the Bill, the ayes were 152, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

Representative Williams of the 89th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

SB 467. By Senators Adelman of the 42nd, Smith of the 52nd and Meyer von Bremen of the 12th:

A BILL to be entitled an Act to amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to correct typographical, stylistic, and other errors and omissions in Title 21 of the Official Code of Georgia Annotated and in Acts of the General Assembly amending Title 21 of the Official Code of Georgia Annotated; to correct capitalization and spelling in Title 21 of the Official Code of Georgia Annotated; to provide for necessary or appropriate revisions and modernizations of matters contained in Title 21 of the Official Code of Georgia Annotated; to provide for other matters relating to Title 21 of the Official Code of Georgia Annotated; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Holmes	Y Maxwell	Y Scheid
E Anderson	Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	E Mills	Y Sims, C
E Benfield	Y Drenner	Y Jackson	Y Mitchell	Sims, F
Y Benton	Y Dukes	Y Jacobs	E Morgan	Y Sinkfield
Y Black	Ehrhart	Y James	Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Smith, L
Borders	E Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	E Stephenson
Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker

Y Casas	Y Greene	Y Lewis	Randall	Y Warren
E Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Hatfield	Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	E Heard, K	Y Lunsford	Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson,
				Speaker

On the passage of the Bill, the ayes were 154, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

Representative Holmes of the 61st stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

SB 484. By Senator Bulloch of the 11th:

A BILL to be entitled an Act to amend Article 3 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to other state symbols, so as to declare the City of Colquitt as Georgia's First Mural City; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Davis	Y Holt	May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	N Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	E Mills	Y Sims, C
E Benfield	Y Drenner	Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	E Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Smith, L
Borders	E Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	O'Neal	Y Stephens

Y Buckner, G	Y Franklin	Y Keown	Y Orrock	E Stephenson
Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Knox	Y Parsons	Y Thomas, A.M
Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
E Chambers	Y Hanner	Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	E Heard, K	Y Lunsford	Y Rice	Y Williams, E
Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson,
				Speaker

On the passage of the Bill, the ayes were 152, nays 1.

The Bill, having received the requisite constitutional majority, was passed.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has disagreed to the House substitute to the following bill of the Senate:

SB 636. By Senator Bulloch of the 11th:

A BILL to be entitled an Act to amend Code Section 1-3-3 of the Official Code of Georgia Annotated, relating to definitions of terms used in such code or other laws of the state, so as to define the term biodiesel fuel; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House substitute as amended by the Senate to the following bill of the Senate:

SB 145. By Senators Grant of the 25th, Butler of the 55th and Staton of the 18th:

A BILL to be entitled an Act to amend Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologists, so as to define certain terms; to provide for a certificate of registration for hair braiders and hair designers; to provide for qualifications; to provide for application and fees; to

provide for reciprocity; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has passed by the requisite constitutional majority the following bills of the House:

HB 832. By Representatives McCall of the 30th and Hudson of the 124th:

A BILL to be entitled an Act to amend Code Section 43-34-103 of the Official Code of Georgia Annotated, relating to approval of physician's assistants, so as to provide for actions of such assistants with regard to professional samples; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 959. By Representatives Maddox of the 172nd, Lindsey of the 54th, Fleming of the 117th, O'Neal of the 146th, Roberts of the 154th and others:

A BILL to be entitled an Act to amend Code Section 40-6-222 of the Official Code of Georgia Annotated, relating to parking permits for persons with disabilities, so as to change certain provisions relating to permits for permanently disabled persons; to provide for permits issued to permanently disabled minors; to provide a short title; to repeal conflicting laws; and for other purposes.

The Senate adheres to its substitute and has appointed a Committee of Conference on the following bill of the House:

HB 194. By Representatives Martin of the 47th, Burkhalter of the 50th, Amerson of the 9th, Royal of the 171st, Ashe of the 56th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of income tax, so as to provide for income tax credits with respect to teleworking for a limited period of time; to provide for definitions; to provide for conditions, limitations, and exclusions; to provide for powers, duties, and authority of the state revenue commissioner with respect to the foregoing; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Cagle of the 49th, Hill of the 32nd, and Seabaugh of the 28th.

The Senate has adopted the report of the Committee of Conference on the following bill of the House:

HB 81. By Representatives Day of the 163rd, Stephens of the 164th, Bryant of the 160th, Jackson of the 161st and Scott of the 2nd:

A BILL to be entitled an Act to amend Code Section 48-5-40 of the Official Code of Georgia Annotated, relating to definitions regarding ad valorem tax exemptions, so as to provide that, with respect to all homestead exemptions, the unremarried surviving spouse of a deceased spouse who has been granted a homestead exemption shall continue to receive that exemption so long as that unremarried surviving spouse continues to occupy the home as a residence and homestead; to provide for a referendum, applicability, and effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bill of the Senate was taken up for consideration and read the third time:

SB 77. By Senators Unterman of the 45th, Hudgens of the 47th, Schaefer of the 50th, Goggans of the 7th, Shafer of the 48th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 11 of Title 15 of the O.C.G.A., relating to parental notification, so as to define and eliminate certain terms; to require certain types of identification to be presented in order for a physician to perform an abortion; to amend Chapter 12 of Title 16 of the O.C.G.A., relating to offenses against health and morals, so as to provide that all abortions must be performed in certain facilities; to provide for certain reports by physicians; to provide for certain forms; to provide for certain reports by the Department of Human Resources; to provide for a short title; to provide for definitions; to require that a female give her informed consent prior to an abortion; to provide for related matters; to provide for severability; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to crimes against the person, so as to revise the definition of feticide; to prohibit the voluntary manslaughter of an unborn child; to prohibit assaults and batteries of unborn children under certain circumstances; to provide for punishment for persons convicted of

such offenses; to amend Article 15 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to serious traffic offenses, so as to remove the requirement that an unborn child be quick in the definition of feticide by vehicle; to amend Article 1 of Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to general provisions concerning registration, operation, and sale of watercraft, so as to remove the requirement that an unborn child be quick in the definition of feticide by vessel; to provide for definitions; to provide for exceptions; to provide for applicability; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to crimes against the person, is amended by striking Code Section 16-5-20, relating to simple assault, and inserting a new Code Section 16-5-20 and by adding at the end of Article 2, relating to assault and battery, new Code Sections 16-5-28 and 16-5-29 to read as follows:

"16-5-20.

- (a) A person commits the offense of simple assault when he or she either:
 - (1) Attempts to commit a violent injury to the person of another; or
 - (2) Commits an act which places another in reasonable apprehension of immediately receiving a violent injury.
- (b) Except as provided in subsections (c) through (f) (h) of this Code section, a person who commits the offense of simple assault shall be guilty of a misdemeanor.
- (c) Any person who commits the offense of simple assault in a public transit vehicle or station shall, upon conviction thereof, be punished for a misdemeanor of a high and aggravated nature. For purposes of this Code section, 'public transit vehicle' means a bus, van, or rail car used for the transportation of passengers within a system which receives a subsidy from tax revenues or is operated under a franchise contract with a county or municipality of this state.
- (d) If the offense of simple assault is committed between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons excluding siblings living or formerly living in the same household, the defendant shall be punished for a misdemeanor of a high and aggravated nature. In no event shall this subsection be applicable to corporal punishment administered by a parent or guardian to a child or administered by a person acting in loco parentis.
- (e) Any person who commits the offense of simple assault against a person who is 65 years of age or older shall, upon conviction thereof, be punished for a misdemeanor of a high and aggravated nature.
- (f) Any person who commits the offense of simple assault against an employee of a public school system of this state while such employee is engaged in official duties or on school property shall, upon conviction of such offense, be punished for a

misdemeanor of a high and aggravated nature. For purposes of this Code section, 'school property' shall include public school buses and stops for public school buses as designated by local school boards of education.

- (g) Any person who commits the offense of simple assault against a female who is pregnant at the time of the offense shall, upon conviction thereof, be punished for a misdemeanor of a high and aggravated nature.
- (h) Nothing in this Code section shall be construed to permit the prosecution of:
 - (1) Any person for conduct relating to an abortion for which the consent of the pregnant woman, or person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;
 - (2) Any person for any medical treatment of the pregnant woman or her unborn child; or
 - (3) Any woman with respect to her unborn child.

For the purposes of this subsection, the term 'unborn child' means a member of the species homo sapiens at any stage of development who is carried in the womb."

"16-5-28.

- (a) For the purposes of this Code section, the term 'unborn child' means a member of the species homo sapiens at any stage of development who is carried in the womb.
- (b) A person commits the offense of assault of an unborn child when such person, without legal justification, attempts to inflict violent injury to an unborn child.
- (c) Any person convicted of the offense of assault of an unborn child shall be guilty of a misdemeanor.
- (d) Nothing in this Code section shall be construed to permit the prosecution of:
 - (1) Any person for conduct relating to an abortion for which the consent of the pregnant woman, or person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;
 - (2) Any person for any medical treatment of the pregnant woman or her unborn child; or
 - (3) Any woman with respect to her unborn child.

16-5-29.

- (a) For the purposes of this Code section, the term 'unborn child' means a member of the species homo sapiens at any stage of development who is carried in the womb.
- (b) A person commits the offense of battery of an unborn child when such person, without legal justification, intentionally inflicts physical harm upon an unborn child.
- (c) A person convicted of the offense of battery of an unborn child shall be guilty of a misdemeanor.
- (d) Nothing in this Code section shall be construed to permit the prosecution of:
 - (1) Any person for conduct relating to an abortion for which the consent of the pregnant woman, or person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

- (2) Any person for any medical treatment of the pregnant woman or her unborn child; or
- (3) Any woman with respect to her unborn child."

SECTION 2.

Said chapter is further amended by striking Code Section 16-5-80, relating to feticide, and inserting in lieu thereof a new Code Section 16-5-80 to read as follows: "16-5-80.

- (a) For the purposes of this Code section, the term 'unborn child' means a member of the species homo sapiens at any stage of development who is carried in the womb.
- (a)(b) A person commits the offense of feticide if he <u>or she</u> willfully <u>kills</u> and without <u>legal justification causes the death of</u> an unborn child so far developed as to be <u>ordinarily called 'quick'</u> by any injury to the mother of such child, which would be murder if it resulted in the death of such mother, <u>or if he or she</u>, when in the commission of a felony, causes the death of an unborn child.
- (b) (c) A person convicted of the offense of feticide shall be punished by imprisonment for life.
- (d) A person commits the offense of voluntary manslaughter of an unborn child when such person causes the death of an unborn child under circumstances which would otherwise be feticide and if such person acts solely as the result of a sudden, violent, and irresistible passion resulting from serious provocation sufficient to excite such passion in a reasonable person; provided, however, that, if there should have been an interval between the provocation and the killing sufficient for the voice of reason and humanity to be heard, of which the jury in all cases shall be the judge, the killing shall be attributed to deliberate revenge and be punished as feticide.
- (e) A person convicted of the offense of voluntary manslaughter of an unborn child shall be guilty of a felony and shall be punished by imprisonment for not less than one nor more than 20 years.
- (f) Nothing in this Code section shall be construed to permit the prosecution of:
 - (1) Any person for conduct relating to an abortion for which the consent of the pregnant woman, or person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;
 - (2) Any person for any medical treatment of the pregnant woman or her unborn child; or
 - (3) Any woman with respect to her unborn child."

SECTION 3.

Article 15 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to serious traffic offenses, is amended by striking Code Section 40-6-393.1, relating to feticide by vehicle, and inserting in lieu thereof a new Code Section 40-6-393.1 to read as follows:

"40-6-393.1.

- (a) For the purposes of this Code section, the term 'unborn child' means a member of the species homo sapiens at any stage of development who is carried in the womb.
 - (a)(b)(1) A person commits the offense of feticide by vehicle in the first degree if he or she causes the death of an unborn child so far developed as to be ordinarily ealled 'quiek' by any injury to the mother of such child through the violation of Code Section 40-6-390 or 40-6-391, which would be homicide by vehicle in the first degree as provided in subsection (a) or (c) of Code Section 40-6-393 if it resulted in the death of such mother.
 - (2) A person convicted of the offense of feticide by vehicle in the first degree shall be punished by imprisonment for not less than two years nor more than 15 years.
 - (b)(c)(1) A person commits the offense of feticide by vehicle in the second degree if he or she causes the death of an unborn child so far developed as to be ordinarily ealled 'quick' by any injury to the mother of such child by violating any provision of this title other than Code Section 40-6-390 or 40-6-391, which would be homicide by vehicle in the second degree as provided in subsection (b) of Code Section 40-6-393 if it resulted in the death of such mother.
 - (2) A person convicted of the offense of feticide by vehicle in the second degree shall be punished as provided in Code Section 17-10-3."

SECTION 4.

Article 1 of Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to general provisions concerning registration, operation, and sale of watercraft, is amended by striking Code Section 52-7-12.3, relating to feticide by vessel, and inserting in lieu thereof a new Code Section 52-7-12.3 to read as follows:

"52-7-12.3.

- (a) For the purposes of this Code section, the term 'unborn child' means a member of the species homo sapiens at any stage of development who is carried in the womb.
 - (a)(b)(1) A person commits the offense of feticide by vessel in the first degree if he or she causes the death of an unborn child so far developed as to be ordinarily called 'quick' by any injury to the mother of such child through the violation of subsection (j) of Code Section 52-7-8.2 or Code Section 52-7-12 or Code Section 52-7-12.1 or subsection (b) of Code Section 52-7-13 or subsection (a) of Code Section 52-7-14 or subsection (c) of Code Section 52-7-25, which would be homicide by vessel in the first degree as provided in subsection (a) of Code Section 52-7-12.2 if it resulted in the death of such mother.
 - (2) A person convicted of the offense of feticide by vessel in the first degree shall be guilty of a felony and shall be punished by imprisonment for not less than two years nor more than 15 years.
 - (b)(c)(1) A person commits the offense of feticide by vessel in the second degree if he or she causes the death of an unborn child so far developed as to be ordinarily ealled 'quick' by any injury to the mother of such child by violating any provision of this title other than subsection (j) of Code Section 52-7-8.2 or Code Section 52-7-12 or Code Section 52-7-12.1 or subsection (b) of Code Section 52-7-13 or subsection (a)

of Code Section 52-7-14 or subsection (c) of Code Section 52-7-25, which would be homicide by vessel in the second degree as provided in subsection (b) of Code Section 52-7-12.2 if it resulted in the death of such mother.

(2) A person convicted of the offense of feticide by vessel in the second degree shall be guilty of a misdemeanor and shall be punished as provided in Code Section 17-10-3."

SECTION 5.

This Act shall become effective on July 1, 2006, and shall apply to all offenses committed on or after such date.

SECTION 6.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
E Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	E Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Mosby	Smith, L
Y Borders	E Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Smith, V
Bruce	Y Floyd, J	Jones, S	Y Neal	Smyre
Y Bryant	Fludd	Y Jordan	Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	E Stephenson
Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd		3		i inomus, D
1 Dylu	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, D Y Graves, T	•		-
	Y Graves, T Y Greene	Y Lane, B Y Lane, R Y Lewis	Y Powell	Y Tumlin
Y Carter Y Casas E Chambers	Y Graves, T Y Greene Y Hanner	Y Lane, B Y Lane, R Y Lewis Y Lindsey	Y Powell Y Ralston Y Randall Y Ray	Y Tumlin Y Walker Y Warren Y Watson
Y Carter Y Casas E Chambers Y Channell	Y Graves, T Y Greene Y Hanner Harbin	Y Lane, B Y Lane, R Y Lewis Y Lindsey Y Lord	Y Powell Y Ralston Y Randall Y Ray Y Reece, B	Y Tumlin Y Walker Y Warren Y Watson Y Wilkinson
Y Carter Y Casas E Chambers	Y Graves, T Y Greene Y Hanner	Y Lane, B Y Lane, R Y Lewis Y Lindsey	Y Powell Y Ralston Y Randall Y Ray	Y Tumlin Y Walker Y Warren Y Watson

Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	E Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson,
				Speaker

On the passage of the Bill, by substitute, the ayes were 155, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Smith of the 70th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the House:

HB 1030. By Representative Smith of the 129th:

A BILL to be entitled an Act to amend Article 3 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to the excise tax on the furnishing for value to the public of any rooms, lodgings, or accommodations, so as to change certain provisions regarding the levy and collection of such tax; to provide authorization with certain conditions for certain counties and municipalities to levy such tax; to change certain provisions authorizing certain counties and municipalities to levy such tax under certain conditions; to provide for requirements and limitations with respect thereto; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1085. By Representatives Lane of the 158th, Day of the 163rd, Hill of the 180th, Williams of the 165th, Lane of the 167th and others:

A BILL to be entitled an Act to amend Code Section 27-4-130.1 of the Official Code of Georgia Annotated, relating to open seasons, creel and possession limits, and minimum size limits for certain finfish species, so as to

change certain provisions relating to tripletail fish; to repeal conflicting laws; and for other purposes.

HB 1143. By Representative Porter of the 143rd:

A BILL to be entitled an Act to amend an Act reconstituting the board of education of the City of Dublin, approved April 5, 1993 (Ga. L. 1993, p. 4970), as amended, so as to provide certain additional authority to the board with respect to real estate transactions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1164. By Representatives Ehrhart of the 36th, Harbin of the 118th and Forster of the 3rd:

A BILL to be entitled an Act to amend Part 1 of Article 4 of Chapter 12 of Title 45 of the O.C.G.A., the "Budget Act," so as to provide for the collection and compilation of certain information with respect to the impact of judicial settlements and decrees on the state budgetary and appropriations process; to provide for findings and intent; to require certain information to be included in the budget estimates of budget units; to provide for the compilation of such information in the budget report; to provide for the inclusion of certain information in legislative budget tracking documents; to provide that the payment or expenditure of state funds for purposes of compliance with a judicial decree or settlement shall be subject to appropriation and allotment of funds or an object class transfer; to define a term; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has passed by substitute, by the requisite constitutional majority, the following bills of the House:

HB 338. By Representatives Warren of the 122nd, Jenkins of the 8th, Burns of the 157th, Williams of the 165th, Mosley of the 178th and others:

A BILL to be entitled an Act to amend Code Section 27-3-4 of the Official Code of Georgia Annotated, relating to legal weapons for hunting wildlife generally, so as to change certain provisions relating to primitive weapons; to repeal conflicting laws; and for other purposes.

HB 1019. By Representatives Day of the 163rd, Horne of the 71st, Neal of the 1st, Hanner of the 148th, Chambers of the 81st and others:

A BILL to be entitled an Act to create and establish the "Taser Certification Act"; to amend Chapter 8 of Title 35 of the Official Code of Georgia

Annotated, relating to employment and training of peace officers, so as to require certified training for law enforcement officers for the official use of tasers, stun guns, or other similar devices; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1223. By Representatives Brown of the 69th, Cooper of the 41st, O'Neal of the 146th, Coleman of the 144th, Epps of the 128th and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 31 of the Official Code of Georgia Annotated, relating to county boards of health, so as to revise certain provisions relating to contracts between county boards and authorization for and provisions applicable to a county board of health serving as a community service board; to amend Title 37 of the Official Code of Georgia Annotated, relating to mental health, so as to revise and add certain definitions relating to community service boards; to revise certain provisions relating to the designation of boundaries for mental health, developmental disabilities, and addictive diseases regions; to revise certain provisions relating to the creation, membership, participation, powers, and bylaws of community mental health, developmental diseases, and addictive diseases service boards; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

HB 1320. By Representatives Smith of the 70th, Burkhalter of the 50th, Ralston of the 7th, Willard of the 49th, Rice of the 51st and others:

A BILL to be entitled an Act to extensively revise various provisions of the O.C.G.A. relating to littering and related environmental offenses; and for other purposes.

The Speaker assumed the Chair.

Under the general order of business, established by the Committee on Rules, the following Bill of the Senate was taken up for consideration and read the third time:

SB 420. By Senators Unterman of the 45th, Schaefer of the 50th, Johnson of the 1st, Thomas of the 2nd, Harp of the 29th and others:

A BILL to be entitled an Act to amend Chapter 9 of Title 19 of the Official Code of Georgia Annotated, relating to child custody proceedings, so as to provide for the creation, authorization, procedure, revocation, and termination of a power of attorney from a parent to a grandparent for the care of a grandchild; to provide for short titles; to provide definitions; to provide for the creation of a pilot program to provide a subsidy to certain

grandparents raising grandchildren under certain circumstances; to provide for an assessment and evaluation of the pilot program; to provide for other related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Representative Ehrhart of the 36th moved that SB 420 be recommitted to the Committee on Rules:

On the motion, the roll call was ordered and the vote was as follows:

Y Amerson Y Cummings Y Holmes Y Maxwell Y Scheid E Anderson Y Davis Y Holt Y May Y Scott, A N Ashe Y Day Y Horne Y McCall E Scott, M Y Barnard N Dean N Houston McClinton Y Setzler N Barnes Y Dickson N Howard, E Y Meadows Y Shaw Y Bearden N Dodson Y Hudson Y Millar Y Sheldon Y Beasley-Teague Y Dollar N Hugley Y Mills Y Sims, C E Benfield N Drenner N Jackson N Mitchell Y Sims, F Y Benton N Dukes Y Jacobs E Morgan N Sinkfield N Black Y Ehrhart Y James Y Morris Y Smith, B Y Bordeaux Y England N Jamieson N Mosby Y Smith, L E Borders E Epps Y Jenkins Mosley Y Smith, P Y Bridges Y Everson Y Jennings Y Murrphy, J Y Smith, T Y Brown N Floyd, H Y Jones, J N Murphy, J Y Smith, T Y Brown N Fludd N Jordan N Oliver Stanley-Turner Y Buckner, D Y Forster Y Keen Y O'Neal Stanley-Turner Y Buckner, G Y Franklin Y Keown N Orrock E Stephenson Y Burrhalter Y Freeman N Kidd Y Parham Y Talton Y Burrnesser N Gardner K Kinght Y Parrish N Teilhet Y Surnes, B Y Byrd Y Graves, T Y Lane, R Y Ray Y Watson Y Hanner Y Hanner Y Freeman N Kidd Y Parrish N Teilhet Y Burnes Y Geisinger Y Knox Y Parsons N Thomas, AM Y Burnes Y Graves, T Y Lane, R Y Ray Y Watson Y Casas Y Greene Y Lewis Y Randall N Warren E Chambers Y Hanner Y Lindsey Y Ray Y Watson Y Cheokas Y Halfield Y Loudermilk Y Reese N Williams, A Y Cole E Heard, K Y Lunson N Manning Royal N Yates Y Cooper Y Henson N Manning Royal N Yates	N Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	N Sailor
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Y Byrd Y Graves, D Y Lane, B Powell Y Tumlin Y Carter Y Graves, T Y Lane, R Y Ralston Y Walker Y Casas Y Greene Y Lewis Y Randall N Warren E Chambers Y Hanner Y Lindsey Y Ray Y Watson Y Channell Harbin Y Lord Y Reece, B Y Wilkinson Y Cheokas Y Hatfield Y Loudermilk Y Reece, S Willard Y Coan Y Heard, J Lucas Y Reese N Williams, A Y Cole E Heard, K Y Lunsford Y Rice N Williams, E Y Coleman, B N Heckstall Y Maddox Y Roberts N Williams, R Y Coleman, T Y Hembree N Mangham Y Rogers Y Wix Y Cooper Y Henson N Manning Royal N Yates Y Cox Y Hill, C Y Marin Y Rynders Richardson,					
Y Carter Y Graves, T Y Lane, R Y Ralston Y Walker Y Casas Y Greene Y Lewis Y Randall N Warren E Chambers Y Hanner Y Lindsey Y Ray Y Watson Y Channell Harbin Y Lord Y Reece, B Y Wilkinson Y Cheokas Y Hatfield Y Loudermilk Y Reece, S Willard Y Coan Y Heard, J Lucas Y Reese N Williams, A Y Cole E Heard, K Y Lunsford Y Rice N Williams, E Y Coleman, B N Heckstall Y Maddox Y Roberts N Williams, R Y Coleman, T Y Hembree N Mangham Y Rogers Y Wix Y Cooper Y Henson N Manning Royal N Yates Y Cox Y Hill, C Y Marin Y Rynders Richardson,					
Y Casas Y Greene Y Lewis Y Randall N Warren E Chambers Y Hanner Y Lindsey Y Ray Y Watson Y Channell Harbin Y Lord Y Reece, B Y Wilkinson Y Cheokas Y Hatfield Y Loudermilk Y Reece, S Willard Y Coan Y Heard, J Lucas Y Reese N Williams, A Y Cole E Heard, K Y Lunsford Y Rice N Williams, E Y Coleman, B N Heckstall Y Maddox Y Roberts N Williams, R Y Coleman, T Y Hembree N Mangham Y Rogers Y Wix Y Cooper Y Henson N Manning Royal N Yates Y Cox Y Hill, C Y Marin Y Rynders Richardson,	•	*		Y Ralston	Y Walker
E Chambers Y Hanner Y Lindsey Y Ray Y Watson Y Channell Harbin Y Lord Y Reece, B Y Wilkinson Y Cheokas Y Hatfield Y Loudermilk Y Reece, S Willard Y Coan Y Heard, J Lucas Y Reese N Williams, A Y Cole E Heard, K Y Lunsford Y Rice N Williams, E Y Coleman, B N Heckstall Y Maddox Y Roberts N Williams, R Y Coleman, T Y Hembree N Mangham Y Rogers Y Wix Y Cooper Y Henson N Manning Royal N Yates Y Cox Y Hill, C Y Marin Y Rynders Richardson,	Y Casas	-		Y Randall	N Warren
Y Channell Harbin Y Lord Y Reece, B Y Wilkinson Y Cheokas Y Hatfield Y Loudermilk Y Reece, S Willard Y Coan Y Heard, J Lucas Y Reese N Williams, A Y Cole E Heard, K Y Lunsford Y Rice N Williams, E Y Coleman, B N Heckstall Y Maddox Y Roberts N Williams, R Y Coleman, T Y Hembree N Mangham Y Rogers Y Wix Y Cooper Y Henson N Manning Royal N Yates Y Cox Y Hill, C Y Marin Y Rynders Richardson,		Y Hanner			
Y Cheokas Y Hatfield Y Loudermilk Y Reece, S Willard Y Coan Y Heard, J Lucas Y Reese N Williams, A Y Cole E Heard, K Y Lunsford Y Rice N Williams, E Y Coleman, B N Heckstall Y Maddox Y Roberts N Williams, R Y Coleman, T Y Hembree N Mangham Y Rogers Y Wix Y Cooper Y Henson N Manning Royal N Yates Y Cox Y Hill, C Y Marin Y Rynders Richardson,					
Y Coan Y Heard, J Lucas Y Reese N Williams, A Y Cole E Heard, K Y Lunsford Y Rice N Williams, E Y Coleman, B N Heckstall Y Maddox Y Roberts N Williams, R Y Coleman, T Y Hembree N Mangham Y Rogers Y Wix Y Cooper Y Henson N Manning Royal N Yates Y Cox Y Hill, C Y Marin Y Rynders Richardson,				,	
Y Cole Y Coleman, B Y Coleman, B Y Coleman, T Y Coleman, T Y Cooper Y Henson Y Cox Y Hill, C Y Lunsford Y Rice N Williams, E N Williams, R Y Roberts N Williams, R Y Rogers Y Rogers Y Wix N Yates Y Roger Y Henson N Manning Royal N Yates Y Roger Y Roger Y Wix N Yates				· ·	N Williams, A
Y Coleman, B N Heckstall Y Maddox Y Roberts N Williams, R Y Coleman, T Y Hembree N Mangham Y Rogers Y Wix Y Cooper Y Henson N Manning Royal N Yates Y Cox Y Hill, C Y Marin Y Rynders Richardson,				Y Rice	
Y Coleman, T Y Hembree N Mangham Y Rogers Y Wix Y Cooper Y Henson N Manning Royal N Yates Y Cox Y Hill, C Y Marin Y Rynders Richardson,	Y Coleman, B	,	Y Maddox	Y Roberts	
Y Cooper Y Henson N Manning Royal N Yates Y Cox Y Hill, C Y Marin Y Rynders Richardson,	The state of the s	Y Hembree	N Mangham	Y Rogers	
Y Cox Y Hill, C Y Marin Y Rynders Richardson,					
, , , , , , , , , , , , , , , , , , ,					
		,		ž	Speaker

On the motion, the ayes were 121, nays 39.

The motion prevailed.

The following Resolution of the Senate was read:

SR 1322. By Senators Williams of the 19th, Brown of the 26th and Johnson of the 1st

A RESOLUTION

Relative to adjournment; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that, unless otherwise provided by subsequent resolution of the General Assembly, the meeting dates and dates of adjournment for the 2006 regular session of the General Assembly for the period of March 27, 2006, through March 30, 2006, shall be as follows:

Monday, March 27	in session for legislative day 38
Tuesday, March 28	in session for legislative day 39
Wednesday, March 29	
Thursday, March 30	

BE IT FURTHER RESOLVED that, as authorized by Code Section 28-1-2, the hours for closing and convening the Senate on each day may be as ordered by the Senate; and the hours for closing and convening the House on each day may be as ordered by the House.

On the adoption of the Resolution, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam Y Crawford Y Hill, C.A Y Martin	Y Sailor
Y Amerson Y Cummings Y Holmes Y Maxwell	Y Scheid
E Anderson Y Davis Y Holt Y May	Y Scott, A
Y Ashe Y Day Y Horne Y McCall	Y Scott, M
Y Barnard Y Dean Y Houston McClinton	Y Setzler
Y Barnes Y Dickson Y Howard, E Y Meadows	Y Shaw
Y Bearden Y Dodson Y Hudson E Millar	Sheldon
Y Beasley-Teague Y Dollar Y Hugley Y Mills	Y Sims, C
E Benfield Y Drenner Y Jackson Y Mitchell	Y Sims, F
Y Benton Y Dukes Y Jacobs E Morgan	Y Sinkfield
Y Black Ehrhart Y James Y Morris	Y Smith, B
Y Bordeaux Y England Y Jamieson Mosby	Y Smith, L
E Borders E Epps Jenkins Mosley	Y Smith, P
Y Bridges Y Everson Y Jennings Y Mumford	Y Smith, R
Y Brooks Y Fleming Y Johnson Y Murphy, J	Y Smith, T
Y Brown Floyd, H Jones, J Y Murphy, Q	Y Smith, V
Y Bruce Y Floyd, J Y Jones, S Y Neal	Y Smyre
Y Bryant Fludd Y Jordan Y Oliver	Y Stanley-Turner
Y Buckner, D Y Forster Y Keen Y O'Neal	Y Stephens
Y Buckner, G Y Franklin Y Keown Y Orrock	E Stephenson
Y Burkhalter Y Freeman Y Kidd Y Parham	Y Talton
Y Burmeister Gardner Knight Y Parrish	Y Teilhet
Y Burns Y Geisinger Y Knox Y Parsons	Y Thomas, A.M
Y Butler Y Golick Y Lakly Y Porter	Y Thomas, B

Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
E Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	E Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson,
			-	Speaker

On the adoption of the Resolution, the ayes were 157, nays 0.

The Resolution was adopted.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has adopted the report of the Committee of Conference on the following bill of the Senate:

SB 529. By Senators Rogers of the 21st, Hamrick of the 30th, Douglas of the 17th, Schaefer of the 50th, Seabaugh of the 28th and others:

A BILL to be entitled an Act to amend Title 13 of the O.C.G.A., relating to contracts, Title 16 of the O.C.G.A., relating to crimes and offenses, Title 34 of the O.C.G.A., relating to labor, Title 35 of the O.C.G.A., relating to law enforcement, and Title 50 of the O.C.G.A., relating to state government, so as to provide for the comprehensive regulation of persons in this state who are not lawfully present in the United States; to provide for a short title; to provide for statutory construction; to provide for procedures and requirements applicable to certain contracts or subcontracts; to prohibit certain retaliation; to provide for enforcement, penalties, and exceptions; to provide for offenses regarding involuntary servitude, trafficking of persons for forced labor or services, and sexual servitude of a minor; to provide for related matters; to provide for effective dates; to provide for applicability; to repeal conflicting laws; and for other purposes.

The Senate has passed by the requisite constitutional majority the following bill of the House:

HB 1224. By Representatives Channell of the 116th, Cooper of the 41st, Brown of the 69th, Sheldon of the 105th and Manning of the 32nd:

A BILL to be entitled an Act to amend Code Section 31-8-192 of the Official Code of Georgia Annotated, relating to the definitions relative to the "Health Share' Volunteers in Medicine Act"; so as to revise the definitions of "low-income" and "volunteer"; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House substitute to the following bill of the Senate:

SB 79. By Senators Williams of the 19th, Pearson of the 51st, Rogers of the 21st, Goggans of the 7th, Heath of the 31st and others:

A BILL to be entitled an Act to amend Part 2 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to competencies and core curriculum, so as to provide expressly that local boards of education are authorized to provide additional elective courses for students in specified grades; to provide for state funding of such additional elective courses; to repeal conflicting laws; and for other purposes.

The Senate has disagreed to the House substitutes to the following bills of the Senate:

SB 238. By Senators Hill of the 32nd and Smith of the 52nd:

A BILL to be entitled an Act to amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions relative to torts, so as to provide for immunity from civil liability for nonprofit organizations and individuals that financially sponsor charitable fundraising events; to provide for an exception; to repeal conflicting laws; and for other purposes.

SB 413. By Senators Moody of the 56th, Weber of the 40th, Douglas of the 17th, Thomas of the 2nd, Fort of the 39th and others:

A BILL to be entitled an Act to amend Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the compulsory school attendance law, so as to change certain provisions relating to mandatory education for children between ages six and 16; to provide that an unemancipated minor older than the age of mandatory attendance may not withdraw from enrollment in school without the permission of his or her parent or guardian; to require parent or guardian approval; to provide for a conference with the principal; to provide for local board of education policies; to change certain provisions relating to the minimum annual attendance

required; to change certain provisions relating to exemptions from compulsory attendance; to provide for related matters; to repeal conflicting laws; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bill of the Senate, having previously been read, was again taken up for consideration:

SB 306. By Senators Hamrick of the 30th and Harp of the 29th:

A BILL to be entitled an Act to amend Part 8 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to hospital and nursing home liens, so as to change notice and filing provisions with respect to certain liens; to change a provision relating to the effect of release or covenant not to sue on hospitals and other medical provider liens; to change a provision relating to the effect of this part on a settlement or release entered into before entry into a hospital, nursing home, or traumatic burn care medical facility; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following amendment was read:

Representative Jamieson of the 28th moves to *amend SB 306 by striking* "to change provisions relating to duty of the clerk of superior court to record certain transaction and duties as to lien book;" *from lines 1, 2, and 3 of page 1*.

By striking lines 12 through 16 of page 1 and inserting in their place the following:

striking Code Section 44-14-471, relating to filing of verified

By striking line 33 of page 2 through line 14 of page 3 and inserting in their place "SECTION 2."

By redesignating Sections 5 and 6 as Sections 3 and 4, respectively.

On the adoption of the amendment, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	N Crawford	Y Hill, C.A	N Martin	Y Sailor
N Amerson	Y Cummings	Y Holmes	N Maxwell	N Scheid
E Anderson	Y Davis	N Holt	N May	N Scott, A
Y Ashe	N Day	Y Horne	N McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Setzler
Y Barnes	Y Dickson	Y Howard, E	N Meadows	Y Shaw

N Bearden	Y Dodson	Y Hudson	E Millar	N Sheldon
Beasley-Teague	N Dollar	Y Hugley	N Mills	Y Sims, C
Benfield	Y Drenner	Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	N Jacobs	E Morgan	Sinkfield
Y Black	N Ehrhart	Y James	Y Morris	Y Smith, B
N Bordeaux	N England	Y Jamieson	Y Mosby	N Smith, L
E Borders	E Epps	Y Jenkins	Mosley	Y Smith, P
Y Bridges	N Everson	Y Jennings	N Mumford	Y Smith, R
Y Brooks	N Fleming	Y Johnson	N Murphy, J	Smith, T
N Brown	Y Floyd, H	N Jones, J	Y Murphy, Q	N Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	N Oliver	Y Stanley-Turner
Y Buckner, D	N Forster	N Keen	N O'Neal	Y Stephens
Y Buckner, G	N Franklin	N Keown	Y Orrock	E Stephenson
N Burkhalter	N Freeman	Y Kidd	Y Parham	Y Talton
N Burmeister	Y Gardner	N Knight	Y Parrish	Y Teilhet
Y Burns	N Geisinger	N Knox	Y Parsons	Y Thomas, A.M
N Butler	N Golick	Y Lakly	Y Porter	Y Thomas, B
N Byrd	N Graves, D	Y Lane, B	Y Powell	N Tumlin
Y Carter	N Graves, T	Y Lane, R	N Ralston	Y Walker
Casas	Y Greene	N Lewis	Y Randall	Y Warren
Chambers	Y Hanner	N Lindsey	Y Ray	Y Watson
Y Channell	Harbin	Y Lord	Y Reece, B	N Wilkinson
Y Cheokas	Y Hatfield	Loudermilk	Y Reece, S	N Willard
N Coan	Y Heard, J	Y Lucas	Reese	N Williams, A
N Cole	E Heard, K	N Lunsford	N Rice	Y Williams, E
N Coleman, B	Y Heckstall	Y Maddox	N Roberts	Y Williams, R
Y Coleman, T	N Hembree	Y Mangham	Y Rogers	Y Wix
N Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	N Hill, C	Y Marin	Y Rynders	Richardson,
				Speaker

On the adoption of the amendment, the ayes were 98, nays 60.

The amendment was adopted.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to, as amended.

On the passage of the Bill, as amended, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	E Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B

Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
E Borders	E Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	E Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
N Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Reese	Y Williams, A
Y Cole	E Heard, K	Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	N Hill, C	Y Marin	Y Rynders	Richardson,
				Speaker

On the passage of the Bill, as amended, the ayes were 162, nays 2.

The Bill, having received the requisite constitutional majority, was passed, as amended.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bill of the House:

HB 1246. By Representatives Howard, E. of the 121st and Murphy of the 120th:

A BILL to be entitled an Act to amend Article 1 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to state and other flags, so as to provide for state flags to honor deceased Georgia elected state officials; to provide for definitions and legislative intent; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Bills of the Senate, having been postponed from the previous legislative day, were taken up for consideration and read the third time:

SB 288. By Senators Rogers of the 21st, Hamrick of the 30th and Hill of the 32nd:

A BILL to be entitled an Act to amend Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to teachers and other school personnel, so as to enact the "Grade Integrity Act of 2005"; to provide that no classroom teacher shall be required, coerced, intimidated, or disciplined in any manner to change the grade of a student; to provide for an ethical violation reportable to the Professional Standards Commission; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL

To amend Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to teachers and other school personnel, so as to enact the "Grade Integrity Act of 2006"; to provide that no classroom teacher shall be required, coerced, intimidated, or disciplined in any manner to change the grade of a student; to provide for an ethical violation reportable to the Professional Standards Commission; to provide for construction; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Grade Integrity Act of 2006."

SECTION 2.

Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to teachers and other school personnel, is amended by inserting at the end thereof a new Part 12 to read as follows:

"Part 12

20-2-989.20.

(a) No classroom teacher shall be required, coerced, intimidated, or disciplined in any manner by the local board of education, superintendent, or any local school administrator to change the grade of a student. A violation of this Code section shall constitute an ethics violation reportable to the Professional Standards Commission pursuant to Part 10 of this article.

- (b) Nothing in this Code section shall be construed to prevent a principal or other local school administrator from discussing the grade of a student with a classroom teacher.
- (c) Nothing in this Code section shall be construed to prevent a central office administrator, superintendent, or local school administrator from changing a student's grade. Any grade change made by a person other than the classroom teacher must be clearly indicated in the student's school records and must indicate the person responsible for making such grade change."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representative Hembree of the 67th et al. move to amend the Committee substitute to SB 288 by inserting after "construction;" on line 5 of page 1 the following:

to provide for the adjustment of grades received in advanced placement and honors courses;

By inserting between lines 5 and 6 of page 2 the following:

SECTION 2A.

Code Section 20-2-157 of the Official Code of Georgia Annotated, relating to uniform reporting system for high school grades for certain purposes, is amended by striking subsection (b) and inserting in lieu thereof a new subsection (b) to read as follows:

- "(b) Beginning May 1, 2007 2008, each school system and private school shall adopt the reporting system described in this subsection for purposes of identifying and qualifying graduating seniors for the HOPE scholarship program and other programs identified in this Code section:
 - (1) Each school system and private school shall transmit, in a manner and at times prescribed by the Georgia Student Finance Commission, an electronic transcript of courses and course grades for each graduating senior that reflects the complete high school academic record of the student, including scores on any state tests required for graduation, the grading scales used by the school system or private school for the time periods referenced by the transcripts, and any other pertinent information as determined by the Georgia Student Finance Commission. Each grade reported by a school system or private school to the commission for the purpose of calculating the grade point average for HOPE scholarship eligibility shall be the actual grade earned by the student, with no weighting or addition of points by the local school system or private school;
 - (2) The Georgia Student Finance Commission shall calculate a grade point average for the purpose of determining eligibility for the HOPE scholarship from these

electronic transcripts and shall notify students of their eligibility and high schools as to the eligibility of students;

- (3) For students otherwise qualified and enrolling as freshmen students in eligible public or private postsecondary institutions for the first time on May 1, 2007 2008, or thereafter, the Georgia Student Finance Commission shall calculate grade point averages for determining eligibility for the HOPE scholarship and other scholarships referenced in this Code section as follows:
 - (A) For students receiving a college preparatory diploma, each grade for a student in attempted coursework in English, mathematics, science, social studies, and foreign language that would, if successfully completed, satisfy a core graduation requirement for the college preparatory curriculum shall be equated to a grade on a 4.0 scale, such that a grade of 'A' = 4.0, a grade of 'B' = 3.0, a grade of 'C' = 2.0, a grade of 'D' = 1.0, and a grade of 'F' = 0; or
 - (B) For students receiving a career/technical diploma, each grade for a student in attempted coursework in English, mathematics, science, and social studies that would, if successfully completed, satisfy a core graduation requirement for the career/technical curriculum shall be equated to a grade on a 4.0 scale, such that a grade of 'A' = 4.0, a grade of 'B' = 3.0, a grade of 'C' = 2.0, a grade of 'D' = 1.0, and a grade of 'F' = 0.

Grades for coursework that is classified as advanced placement, honors, or international baccalaureate shall be weighted by the Georgia Student Finance Commission in calculating the overall grade point averages for students, provided that the weighting of such course grades is uniformly applied to all students in the state taking the specified coursework. The sum of the equated grades shall be divided by the number of course grades, adjusted for term length, to yield a grade point average on a 4.0 scale;

- (4) Qualification for the HOPE scholarship shall be determined from the grade point average calculated as set out in paragraph (3) of this subsection. Beginning May 1, 2007 2008, students with grade point averages equal to or in excess of 3.0 on the 4.0 scale with a college preparatory diploma shall meet achievement standards for the HOPE scholarship; students receiving a career/technical diploma shall meet achievement standards for the HOPE scholarship with a grade point average equal to or in excess of 3.2 on a 4.0 scale. This paragraph shall apply regardless of when a student graduated from high school and regardless of such student's eligibility status prior to May 1, 2007 2008; and
- (5) Beginning May 1, 2007 2008, only the reporting system as indicated in this subsection shall be used to determine eligibility for all grants, scholarships, or loans to attend colleges or universities which are administered pursuant to Article 7 of Chapter 3 of this title and eligibility for enrollment in postsecondary courses pursuant to Code Section 20-2-161.1."

The Committee substitute, as amended, was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, as amended.

On the passage of the Bill, by substitute, as amended, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	E Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
E Borders	E Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	E Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Reese	Y Williams, A
Y Cole	E Heard, K	Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson,
			-	Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 165, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute, as amended.

Representatives Reese of the 98th and Talton of the 145th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

SB 480. By Senators Unterman of the 45th, Thomas of the 54th and Goggans of the 7th:

A BILL to be entitled an Act to amend Chapter 26 of Title 43 of the O.C.G.A., relating to nurses, so as to provide for the certification of qualified medication aides; to provide for a short title; to provide legislative findings; to provide for definitions; to provide for the delegation of certain nursing tasks; to provide for powers and responsibilities of the Georgia Board of Examiners of Licensed Practical Nurses; to provide for certification standards and requirements; to provide for the issuance and renewal of certificates; to provide for permitted and prohibited activities; to provide for requirements of community living arrangements which utilize qualified medication aides; to provide for sanctions; to provide for construction; to provide for automatic repeal; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following amendment was read:

Representative Burmeister of the 119th et al. move to amend SB 480 by inserting after "repeal;" on line 9 of page 1 the following:

to amend Code Section 16-13-21 of the Official Code of Georgia Annotated, relating to definitions relative to regulation of controlled substances, so as to revise the definition of "practitioner"; to amend Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, so as to provide for a definition; to provide for enactment of rules and regulations affecting advanced practice registered nurses; to change certain provisions relating to the use of a title by a licensed registered nurse or applicant; to provide for a change in certain prohibited activities; to provide for certain information given to the board by licensees; to change a provision relating to a Drug Enforcement Administration license applicability to nurses and physician's assistants; to amend Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to the physicians, so as to provide for a physician to delegate certain medical acts to allow an advanced practice registered nurse to issue prescription drug orders and provide professional samples, order diagnostic studies, medical devices, and in certain life-threatening situations to order radiographic imaging; to provide for construction and limitations related to such delegation; to provide for definitions; to provide for the conditions of a nurse protocol agreement; to provide for execution of prescription drug orders:

By striking lines 12 and 13 of page 7 and insert in lieu thereof the following:

SECTION 2.

Code Section 16-13-21 of the Official Code of Georgia Annotated, relating to definitions relative to regulation of controlled substances, is amended by striking paragraph (23) and inserting in its place the following:

- "(23) 'Practitioner' means:
 - (A) A physician, dentist, pharmacist, podiatrist, veterinarian, scientific investigator, or other person licensed, registered, or otherwise authorized under the laws of this state to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state;
 - (B) A pharmacy, hospital, or other institution licensed, registered, or otherwise authorized by law to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state; or
 - (C) An advanced practice registered nurse acting pursuant to the authority of Code Section 43-34-26.3. For purposes of this chapter and Code Section 43-34-26.3, an advanced practice registered nurse is authorized to register with the federal Drug Enforcement Administration and appropriate state authorities; or
 - (C)(D) A physician's assistant acting pursuant to the authority of subsection (e.1) of Code Section 43-34-103. For purposes of this chapter and subsection (e.1) of Code Section 43-34-103 and notwithstanding the provisions of subsection (g) of Code Section 43-34-26.1, a physician's assistant is authorized to register with the federal Drug Enforcement Administration and appropriate state authorities."

SECTION 3.

Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is amended by adding a new paragraph to Code Section 43-26-3, relating to definitions, to read as follows:

"(1.1) 'Advanced practice registered nurse' means a registered professional nurse licensed under this chapter who is recognized by the board as having met the requirements established by the board to engage in advanced nursing practice and who holds a master's degree or other graduate degree approved by the board and national board certification in his or her area of speciality, or a person who was recognized as an advanced practice registered nurse by the board on or before June 30, 2006."

SECTION 4.

Said chapter is further amended by striking paragraph (12) of subsection (a) of Code Section 43-26-5, relating to general powers of the board, and inserting in lieu thereof the following:

"(12) Be authorized to enact rules and regulations for registered professional nurses in their performing acts under a nurse protocol as authorized in Code Section 43-34-26.1 and enact rules and regulations for advanced practice registered nurses in performing acts as authorized in Code Section 43-34-26.3:"

SECTION 5.

Said chapter is further amended by striking subsections (a) and (d) of Code Section 43-26-6, relating to use of title by licensed registered nurses or applicant, and inserting in lieu thereof the following:

- "(a) Any person who is licensed as a registered professional nurse shall have the right to use the title 'registered professional nurse' and the abbreviation 'R.N.' Any person recognized by the board as an advanced practice registered nurse shall have the right to use the title 'advanced practice registered nurse' and the abbreviation 'A.P.R.N.' No other person shall assume such title titles or use such abbreviation abbreviations or any other words, letters, signs, or symbols to indicate that such person is a registered professional nurse or an advanced practice registered nurse in Georgia. Nothing in this subsection shall be construed to repeal the right of any person who is licensed as a registered professional nurse on April 4, 1990 or recognized by the board as an advanced practice registered nurse on June 30, 2006, to be licensed and to use the title 'registered professional nurse-' or to use the title 'advanced practice registered nurse,' respectively."
- "(d) Any person who is licensed as a registered professional nurse shall identify that he or she is so licensed by displaying either the title 'registered professional nurse' or 'registered nurse,' or the abbreviation 'R.N.,' the title 'advanced practice registered nurse,' or the abbreviation 'A.P.R.N.' on a name tag or other similar form of identification during times when such person is providing direct patient care."

SECTION 6.

Said chapter is further amended by striking paragraph (4) of Code Section 43-26-10, relating to the prohibition of practicing as a registered professional nurse without a license, and inserting in lieu thereof the following:

"(4) Use any words, abbreviations, figures, letters, title, sign, card, or device implying that such person is a registered professional nurse or advanced practice registered nurse unless such person is duly licensed or recognized by the board so to practice under the provisions of this article;"

SECTION 7.

Said chapter is further amended by adding a new Code Section 43-26-13 to read as follows:

"43-26-13.

A licensee may, in lieu of providing his or her home address, provide the board a legitimate business address for purposes of the public information made available by the board with regard to licensed registered professional nurses."

SECTION 8.

Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, is amended by striking subsection (g) of Code section 43-34-26.1, relating to

delegation of authority to a nurse or physician's assistant, and inserting in lieu thereof the following:

"(g) Nothing in this Code section shall be construed to authorize or permit the issuance of a Drug Enforcement Administration license to a nurse or physician's assistant who is not an advanced practice registered nurse."

SECTION 9.

Said article is further amended by adding a new Code Section 43-34-26.3 to read as follows:

"43-34-26.3.

- (a) As used in this Code section, the term:
 - (1) 'Advanced practice registered nurse' shall have the same meaning as provided in paragraph (1.1) of Code Section 43-26-3.
 - (2) 'Birthing center' means a facility or building where human births occur on a regular or ongoing basis and which is classified by the Department of Human Resources as a birthing center.
 - (3) 'Controlled substance' means any controlled substance as defined in Code Section 16-13-21 but shall not include any Schedule I controlled substance included in Code Section 16-13-25 or any Schedule II controlled substance included in Code Section 16-13-26.
 - (4) 'Dangerous drug' means any dangerous drug as defined in Code Section 16-13-71.
 - (5) 'Delegating physician' means a physician who has entered into a nurse protocol agreement pursuant to this Code section.
 - (6) 'Diagnostic study' means a laboratory test, X-ray, ultrasound, or procedure used to identify a characteristic or distinguishing feature of a particular disease or condition.
 - (7) 'Drug' means any dangerous drug or controlled substance.
 - (8) 'Free health clinic' shall have the same meaning as provided in Code Section 51-1-29.4.
 - (9) 'Life threatening' means an emergency situation in which a patient's life or physical well-being will be harmed if certain testing is not performed immediately.
 - (10) 'Nurse protocol agreement' means a written document mutually agreed upon and signed by an advanced practice registered nurse and a physician, by which document the physician delegates to that advanced practice registered nurse the authority to perform certain medical acts pursuant to this Code section, and which acts may include, without being limited to, the ordering of drugs, medical devices, medical treatments, diagnostic studies, or in life-threatening situations radiographic imaging tests. Such agreements shall conform to the provisions set forth in subsection (c) of this Code section.
 - (11) 'Order' means to prescribe pursuant to a nurse protocol agreement which drug, medical device, medical treatment, diagnostic study, or in life-threatening situations radiographic imaging test is appropriate for a patient and to communicate the same in writing, orally, via facsimile, or electronically.
 - (12) 'Physician' means a person licensed to practice medicine under this chapter and:

- (A) Whose principal place of practice is within this state; or
- (B) Whose principal place of practice is outside this state but is within 50 miles from the location where the nurse protocol agreement is being utilized within this state.
- (13) 'Prescription drug order' means a written or oral order of an advanced practice registered nurse for a drug or medical device for a specific patient. Such term includes an electronic visual image prescription drug order and an electronic data prescription drug order.
- (14) 'Professional sample' means a complimentary dose of a drug, medication, medication voucher, or medical device provided by the manufacturer for use in patient care.
- (15) 'Radiographic imaging test' means a computed tomography, magnetic resonance imaging, positron emission tomography, or nuclear medicine.
- (b) In addition to and without limiting the authority granted pursuant to Code Section 43-34-26.1, a physician may delegate to an advanced practice registered nurse in accordance with a nurse protocol agreement the authority to order drugs, medical devices, medical treatments, diagnostic studies or in life-threatening situations radiographic imaging tests.
- (c) A nurse protocol agreement between a physician and an advanced practice registered nurse pursuant to this Code section shall:
 - (1) Be between an advanced practice registered nurse who is in a comparable specialty area or field as that of the delegating physician;
 - (2) Contain a provision for immediate consultation between the advanced practice registered nurse and the delegating physician; if the delegating physician is not available, the delegating physician for purposes of consultation may designate another physician who concurs with the terms of the nurse protocol agreement;
 - (3) Identify the parameters under which delegated acts may be performed by the advanced practice registered nurse, including without limitation the number of refills which may be ordered, the kinds of diagnostic studies which may be ordered, the extent to which radiographic image tests may be ordered, and the circumstances under which a prescription drug order may be executed. In the event the delegating physician authorizes the advanced practice registered nurse to order an X-ray, ultrasound, or radiographic imaging test, the nurse protocol agreement shall contain provisions whereby such X-ray, ultrasound, or radiographic imaging test shall be read and interpreted by a physician who is trained in the reading and interpretation of such tests; a report of such X-ray, ultrasound, or radiographic imaging test may be reviewed by the advanced practice registered nurse; and a copy of such report shall be forwarded to the delegating physician, except that such provision for an ultrasound shall not be required for an advanced practice registered nurse acting within his or her scope of practice as authorized by Code Sections 43-26-3 and 43-26-5.
 - (4) Require documentation either in writing or by electronic means or other medium by the advanced practice registered nurse of those acts performed by the advanced

practice registered nurse which are specific to the medical acts authorized by the delegating physician;

- (5) Include a schedule for periodic review by the delegating physician of patient records. Such patient records review may be achieved with a sampling of such records as determined by the delegating physician;
- (6) Provide for patient evaluation or follow-up examination by the delegating physician or other physician designated by the delegating physician pursuant to paragraph (2) of this subsection, with the frequency of such evaluation or follow-up examination based on the nature, extent, and scope of the delegated act or acts as determined by the delegating physician in accordance with paragraph (3) of this subsection and accepted standards of medical practice as determined by the board;
- (7) Be reviewed, revised, or updated annually by the delegating physician and the advanced practice registered nurse;
- (8) Be available for review upon written request to the advanced practice registered nurse by the Georgia Board of Nursing or to the physician by the board; and
- (9) Provide that a patient who receives a prescription drug order for any controlled substance pursuant to a nurse protocol agreement shall be evaluated or examined by the delegating physician on at least a quarterly basis or at a more frequent interval as determined by the board.
- (d) A written prescription drug order issued pursuant to this Code section shall be signed by the advanced practice registered nurse and shall be on a form which shall include, without limitation, the names of the advanced practice registered nurse and delegating physician who are parties to the nurse protocol agreement, the patient's name and address, the drug or device ordered, directions with regard to the taking and dosage of the drug or use of the device, and the number of refills. A prescription drug order which is transmitted either electronically or via facsimile shall conform to the requirements set out in paragraphs (1) and (2) of subsection (c) of Code Section 26-4-80, respectively.
- (e) An advanced practice registered nurse may be authorized under a nurse protocol agreement to request, receive, and sign for professional samples and may distribute professional samples to patients. The office or facility at which the advanced practice registered nurse is working shall maintain a list of the professional samples approved by the delegating physician for request, receipt, and distribution by the advanced practice registered nurse as well as a complete list of the specific number and dosage of each professional sample and medication voucher received and dispensed. In addition to the requirements of this Code section, all professional samples shall be maintained as required by applicable state and federal laws and regulations.
- (f) A managed care system, health plan, hospital, insurance company, or other similar entity shall not require a physician or advanced practice registered nurse to be a party to a nurse protocol agreement as a condition for participation in or reimbursement from such entity.
- (g) A delegating physician may not enter into a nurse protocol agreement pursuant to this Code section with more than four advanced practice registered nurses at any one

time, except this limitation shall not apply to an advanced practice registered nurse that is practicing:

- (1) In a hospital licensed under Title 31;
- (2) In any college or university as defined in Code Section 20-8-1;
- (3) In the Department of Human Resources;
- (4) In any county board of health;
- (5) In any free health clinic;
- (6) In a birthing center;
- (7) In any entity:
 - (A) Which is exempt from federal taxes pursuant to Section 501(c)(3) of the Internal Revenue Code, as defined in Code Section 48-1-2, and primarily serves uninsured or indigent Medicaid and medicare patients; or
 - (B) Which has been established under the authority of or is receiving funds pursuant to 42 U.S.C. Section 254b or 254c of the United States Public Health Service Act;
- (8) In any local board of education which has a school nurse program; or
- (9) In a health maintenance organization that has an exclusive contract with a medical group practice and arranges for the provision of substantially all physician services to enrollees in health benefits of the health maintenance organization.
- (h) Nothing in this Code section shall be construed to create a presumption of liability, either civil or criminal, on the part of a pharmacist duly licensed under Chapter 4 of Title 26 who, in good faith, fills a prescription drug order of an advanced practice registered nurse issued pursuant to a nurse protocol agreement.
- (i) Nothing in this Code section shall be construed to apply to the practice of a certified registered nurse anesthetist.
- (j) Nothing in this Code section shall be construed to require an advanced practice registered nurse to be a party to a nurse protocol agreement in order to practice as a registered professional nurse or an advanced practice registered nurse as otherwise permitted by Article 1 of Chapter 26 of this title.
- (k) Nothing in this Code section shall be construed to authorize an advanced practice registered nurse to issue a prescription drug order for a Schedule I or II controlled substance or authorize refills of any drug for more than 12 months from the date of the original order except in the case of oral contraceptives, hormone replacement therapy, or prenatal vitamins which may be refilled for a period of 24 months.
- (l) Nothing in this Code section shall be construed to allow an advanced practice registered nurse to perform an abortion or to administer, prescribe, or issue a drug order that is intended to cause an abortion to occur pharmacologically.
- (m) The board shall have the authority to promulgate rules and regulations governing a delegating physician in order to carry out the intents and purposes of this Code section. Further, the board shall be authorized to:
 - (1) Require that a nurse protocol agreement shall be filed by the delegating physician with the board within a reasonable time from the date of execution;

- (2) Determine, after review of a filed nurse protocol agreement, if such nurse protocol agreement fails to meet accepted standards of medical practice as established by the board; and
- (3) Require the delegating physician to amend any such noncompliant nurse protocol agreement in order to meet such accepted standards.
- (n) Except for practice settings identified in paragraph (7) of subsection (g) of this Code section, it shall be unlawful for a physician to be an employee of an advanced practice registered nurse, alone or in combination with others, if the physician is required to supervise the employing advanced practice registered nurse. Such conduct shall be subject to sanctions by the Georgia Board of Nursing as to the advanced practice registered nurse and the board as to the physician."

SECTION 10.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representatives Cooper of the 41st and Burmeister of the 119th move to amend the Burmeister amendment to SB 480 as follows:

By adding after the word "physician" on line 22 of page 6 the following:

"or other physician designated by the delegating physician pursuant to paragraph (2) of this subsection".

The following amendment was read:

Representative Setzler of the 35th et al. move to amend the Burmeister amendment to SB 480 by inserting after "orders;" on line 18 of page 1 the following:

to prohibit certain activities in certain business establishments;

By inserting between lines 24 and 25 of page 8 the following:

SECTION 9A.

Said article is further amended by adding a new Code section to read as follows: "43-34-26.4.

No advanced practice registered nurse or physician's assistant shall exercise authority delegated pursuant to Code Section 43-34-26.1 or 43-34-26.3 while located within a general merchandising establishment or business establishment, a portion of which is licensed as a pharmacy pursuant to Article 6 of Chapter 4 of Title 26. This Code section shall not apply to:

(1) The office of a physician licensed pursuant to this chapter;

- (2) A hospital licensed pursuant to Title 31; or
- (3) Any nursing activity or powers which are not regulated or delegated pursuant to Code Section 43-34-26.1 or 43-34-26.3."

On the adoption of the amendment, the roll call was ordered and the vote was as follows:

N Abdul-Salaam	N Crawford	N Hill, C.A	N Martin	N Sailor
N Amerson	Y Cummings	N Holmes	N Maxwell	N Scheid
E Anderson	Y Davis	Y Holt	N May	Y Scott, A
N Ashe	N Day	N Horne	N McCall	N Scott, M
Y Barnard	N Dean	Y Houston	McClinton	Y Setzler
Y Barnes	N Dickson	N Howard, E	Y Meadows	Y Shaw
N Bearden	Y Dodson	N Hudson	E Millar	N Sheldon
Beasley-Teague	Y Dollar	N Hugley	Y Mills	N Sims, C
N Benfield	N Drenner	N Jackson	Y Mitchell	Sims, F
Y Benton	N Dukes	Y Jacobs	E Morgan	Sinkfield
Y Black	N Ehrhart	N James	N Morris	Y Smith, B
Y Bordeaux	N England	N Jamieson	N Mosby	N Smith, L
E Borders	E Epps	N Jenkins	Y Mosley	Y Smith, P
N Bridges	N Everson	Y Jennings	Y Mumford	Y Smith, R
N Brooks	N Fleming	N Johnson	Y Murphy, J	N Smith, T
N Brown	N Floyd, H	Jones, J	N Murphy, Q	Y Smith, V
Bruce	N Floyd, J	N Jones, S	N Neal	Y Smyre
Y Bryant	Fludd	N Jordan	N Oliver	N Stanley-Turner
N Buckner, D	Forster	N Keen	Y O'Neal	Y Stephens
N Buckner, G	N Franklin	N Keown	N Orrock	E Stephenson
N Burkhalter	N Freeman	N Kidd	N Parham	N Talton
N Burmeister	N Gardner	Y Knight	N Parrish	N Teilhet
Y Burns	N Geisinger	Y Knox	N Parsons	N Thomas, A.M
N Butler	N Golick	Lakly	N Porter	N Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Powell	Y Tumlin
Y Carter	N Graves, T	N Lane, R	Ralston	N Walker
N Casas	Y Greene	N Lewis	N Randall	N Warren
N Chambers	Y Hanner	Y Lindsey	N Ray	N Watson
N Channell	Harbin	Y Lord	Y Reece, B	Y Wilkinson
N Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	N Willard
N Coan	Y Heard, J	N Lucas	N Reese	N Williams, A
N Cole	E Heard, K	N Lunsford	Y Rice	N Williams, E
N Coleman, B	N Heckstall	N Maddox	Y Roberts	N Williams, R
Y Coleman, T	N Hembree	Mangham	Y Rogers	N Wix
Y Cooper	N Henson	Y Manning	N Royal	N Yates
N Cox	N Hill, C	N Marin	Y Rynders	Richardson,
	- ·, C		j	Speaker
				2 P cancer

On the adoption of the amendment, the ayes were 55, nays 104.

The amendment was lost.

The Burmeister amendment, as amended, was adopted.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to, as amended.

On the passage of the Bill, as amended, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	N Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
N Benton	Y Dukes	Y Jacobs	E Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
N Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
E Borders	E Epps	Y Jenkins	Y Mosley	N Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	N Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	E Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	E Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson,
			-	Speaker

On the passage of the Bill, as amended, the ayes were 163, nays 5.

The Bill, having received the requisite constitutional majority, was passed, as amended.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate insists on its amendment to the following bill of the House:

HB 1390. By Representative Ehrhart of the 36th:

A BILL to be entitled an Act to amend Chapter 30 of Title 43 of the Official Code of Georgia Annotated, relating to optometrists, so as to change certain provisions relating to creation of the State Board of Optometry, its composition, and qualifications of its members; to change certain provisions relating to the terms of office of board members; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has adopted by substitute, by the requisite constitutional majority, the following resolution of the House:

HR 1259. By Representative Barnard of the 166th:

A RESOLUTION authorizing the granting of nonexclusive easements for operation and maintenance of facilities, utilities, and ingress and egress, in, on, over, under, upon, across or through property owned by the State of Georgia in Chatham, Coweta, Douglas, Grady, and Muscogee counties, Georgia; to repeal conflicting laws; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bill of the Senate was taken up for consideration and read the third time:

SB 597. By Senators Pearson of the 51st, Balfour of the 9th, Cagle of the 49th, Powell of the 23rd, Schaefer of the 50th and others:

A BILL to be entitled an Act to amend Code Section 48-5-311 of the Official Code of Georgia Annotated, relating to county boards of equalization and tax appeal procedures, so as to change certain provisions regarding recovery of certain appeal costs by a taxpayer; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Code Section 48-5-311 of the Official Code of Georgia Annotated, relating to county boards of equalization and tax appeal procedures, so as to change certain provisions regarding recovery of certain appeal costs by a taxpayer; to provide an

effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-5-311 of the Official Code of Georgia Annotated, relating to county boards of equalization and tax appeal procedures, is amended by striking subdivision (g)(4)(B)(ii) and inserting in its place a new subdivision (g)(4)(B)(ii) to read as follows:

"(ii) If the final determination of value on appeal is 80 percent or less of the valuation set by the county board of equalization as to commercial property, or 85 percent or less of the valuation set by the county board of equalization tax assessors as to other property, the taxpayer, in addition to the interest provided for by this paragraph, shall recover costs of litigation and reasonable attorney's fees incurred in the action. This division shall not apply when the property owner has failed to return for taxation the property that is under appeal."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall apply with respect to all tax appeals filed with the county boards of tax assessors on or after that date.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Holt	Y May	Y Scott, A
Y Ashe	Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	E Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
E Borders	E Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V

Y Bruce Y Bryant	Y Floyd, J Fludd	Y Jones, S Y Jordan	Y Neal Y Oliver	Y Smyre Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	E Stephenson
Y Burkhalter		Y Kidd	Y Parham	Y Talton
	Y Freeman			
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	E Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson,
			-	Speaker

On the passage of the Bill, by substitute, the ayes were 161, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the House:

HB 1288. By Representatives Ralston of the 7th, Fleming of the 117th, Hatfield of the 177th, Cox of the 102nd and Everson of the 106th:

A BILL to be entitled an Act to amend Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to municipal courts, so as to provide for required training of municipal court clerks; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1301. By Representatives Martin of the 47th, Royal of the 171st, Chambers of the 81st, Jennings of the 82nd, Scott of the 2nd and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so

as to provide for an exemption for a limited period of time with respect to certain sales of food and groceries to a qualified food bank; to provide for procedures, conditions, and limitations; to provide for powers, duties, and authority of the state revenue commissioner; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate has passed by substitute, by the requisite constitutional majority, the following bills of the House:

HB 1178. By Representatives Hill of the 180th, Channell of the 116th, Cooper of the 41st, Brown of the 69th, Jenkins of the 8th and others:

A BILL to be entitled an Act to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to provide for the establishment of a program through which unused prescription drugs may be distributed for use by medically indigent persons; to provide for a short title; to provide for definitions; to provide for a pilot program; to provide for the establishment of rules and regulations; to provide for timelines; to provide for limited liability; to provide for construction; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1195. By Representatives Willard of the 49th, Tumlin of the 38th, Wilkinson of the 52nd, Geisinger of the 48th, Lindsey of the 54th and others:

A BILL to be entitled an Act to amend Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to the "Georgia Civil Practice Act," so as to require complaints to be accompanied in filing with the civil case filing form; to require judgments to be accompanied in filing with the civil case disposition form; to change certain provisions relating to commencement of actions; to change certain provisions relating to entry of judgment; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The Senate has passed as amended, by the requisite constitutional majority, the following bill of the House:

HB 1275. By Representatives Smith of the 129th, Floyd of the 147th, Rynders of the 152nd, Graves of the 12th and Channell of the 116th:

A BILL to be entitled an Act to amend Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to theft, so as to provide for the revocation of a commercial driver's license upon violation of Code Sections

16-8-2 through 16-8-9; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has passed by the requisite constitutional majority the following bills of the House:

HB 1307. By Representatives Loudermilk of the 14th, Martin of the 47th, Lewis of the 15th, Byrd of the 20th, Everson of the 106th and others:

A BILL to be entitled an Act to amend Code Section 50-25-6 of the Official Code of Georgia Annotated, relating to the Georgia Register, so as to change certain provisions regarding the method of publishing and the contents of the publication; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1308. By Representative Brown of the 69th:

A BILL to be entitled an Act to amend Chapter 8 of Title 31 of the Official Code of Georgia, relating to the care and protection of indigent and elderly patients, so as to change certain provisions relating to the maximum amount of aggregate nursing home provider fees which must be paid; to change certain provisions relating to the assessment, calculation, and payment of quality assessment fees on care management organizations; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bill of the Senate was taken up for consideration and read the third time:

SB 115. By Senators Butler of the 55th, Williams of the 19th, Miles of the 43rd, Weber of the 40th, Jones of the 10th and others:

A BILL to be entitled an Act to amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, to extend until June 30, 2016, the provision that the interest income from certain reserve funds may be used to pay operating costs; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

To amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, so as to establish an operating budget reserve; to implement an independent management audit; to implement an annual report on the status of pensions; to implement an annual report of expenses; to revise the provisions regarding collective bargaining agreements; to provide for binding arbitration of disputes; to extend the sunset of certain provisions relating to use of proceeds of a sales and use tax for the Authority; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, is amended by adding new subsections (d) through (g) at the end of Section 17 to read as follows:

- "(d) The Authority shall fund and maintain an operating budget reserve of ten percent (10%) of the Authority's prior year operating budget revenues. For purposes of this section, the term 'operating budget revenues' shall mean all funds received from federal, state, or local sources, including but not limited to grants, distributions from federal and state formula funds, or direct federal and state appropriations for projects or programs of the Authority, as well as farebox revenues and revenues received from rentals on property owned or operated by the Authority. Said operating budget reserve shall be utilized for ongoing operating expenses only in those circumstances requiring its use due to worsened economic conditions in the Atlanta region, or catastrophic loss such as an act of God or terrorism, which conditions cause a temporary shortfall in the Authority's anticipated revenues. The temporary operating revenue shortfall so noted shall be for a period of not less than six consecutive months during which total anticipated revenues are not less than two and one-half percent (2.5%) below the revenues received during the preceding fiscal year for the same six-month period. The first three percent (3%) of the reserve shall not be used in any six-month period. The purpose of said reserve shall be exclusively to pay the ongoing operating expenses during times of economic downturn and shall not be considered to be an available recurring revenue for operating budget purposes and under no circumstances shall the operating budget reserve be used to permanently replace the revenues which are reduced due to the economic conditions set forth above. Upon cessation of such economic downturn, as evidenced by cessation of the revenue shortfall required for the use of the reserve for Authority operating expenses, the operating budget reserve shall be replenished.
- (e) The Authority shall cause to be performed an independent annual management audit on the condition of management of the Authority at the expense of the Authority, to be supervised and approved by the Metropolitan Atlanta Rapid Transit Overview Committee, and which management audit shall be submitted to the Board of the

Authority, the Governor, the State Auditor, and the Metropolitan Atlanta Rapid Transit Overview Committee before December 31 of each year.

- (f) The Authority shall report to the recipients of the Metropolitan Atlanta Rapid Transit Authority represented and nonrepresented pension plans on an annual basis the status of the Metropolitan Atlanta Rapid Transit Authority pension systems. Said report shall include, at a minimum, the investments made on behalf of recipients of pension benefits under the systems, by investment, the unfunded liabilities of said systems, and present and future budgetary obligations necessitated by benefit commitments made by the Authority. Said report shall be given to each recipient of Metropolitan Atlanta Rapid Transit Authority pensions under the pension systems of the Authority, the Metropolitan Atlanta Rapid Transit Overview Committee, and the Governor.
- (g) The Authority shall submit to the Metropolitan Atlanta Rapid Transit Overview Committee, the presiding officers of the House and Senate, and the Governor an annual report which report shall indicate consultant expenses, other professional services, salaries and expenses of full-time and part-time employees and Board members, and payments rendered by outside companies or agencies to the Authority for any and all services. Said report shall be submitted by August 31 of each year. In addition to a printed copy to be provided to the parties enumerated in this subsection, said report shall be posted in a prominent location on the Authority's website within two weeks of submittal of the report to the parties enumerated in this subsection. The report posted on the Authority's website shall show employee identification numbers and job titles instead of the names of the employees. The employee's social security number shall not be used as the employee's identification number."

SECTION 2.

Said Act is further amended by striking Section 20 in its entirety and inserting in lieu thereof a new Section 20 to read as follows:

"SECTION 20.

Rules and Regulations; Miscellaneous.

- (a) The Board may promulgate reasonable rules and regulations, not inconsistent with law, for the control and management of its operations, properties, employees and patrons.
 - (b)(1) The Board may provide for the recognition of authorized representatives of the employees of the Authority and for collective bargaining, in accordance with this subsection, with such authorized representatives.
 - (2) As used in this subsection, the following terms shall have the following meanings:
 - (A) 'Authorized representative' means the collective bargaining agent for a class of employees, recognized for such purposes by the Board.

- (B) 'Collective bargaining' or 'collectively bargain' means performing the mutual obligation of the Authority and the authorized representatives of represented employees to negotiate, in good faith and to impasse, if necessary, over wages, hours, and other terms and conditions of employment with the bona fide intention of reaching a negotiated agreement.
- (C) 'Grievance arbitration' means arbitration of a dispute between the Authority and the authorized representative, acting on behalf of a represented employee, which involves the interpretation of an existing labor agreement and the application of the terms and conditions of that labor agreement to the claims of one or more employees.
- (D) 'Labor agreement' means an agreement, including any agreement respecting pension or retirement benefits for represented employees, between the Authority and the authorized representative, entered into in accordance with this subsection, which establishes the wages, hours, and other terms and condition of employment for represented employees of the Authority.
- (E) 'Represented employee' means an employee of the Authority who is a member of a class of employees for which the Board has recognized an authorized representative.
- (3) Every labor agreement entered into by the Authority shall provide for grievance arbitration and shall specify the procedure therefor. In any grievance arbitration, the arbitrators must base their decision upon the express terms and conditions of an existing labor agreement.
- (4) Upon or prior to the expiration of an existing labor agreement, the Authority and the authorized representative shall collectively bargain in an effort to reach a successor or replacement labor agreement. If, after expiration of an existing labor agreement, the Authority and the authorized representative are then unable to agree upon the terms and conditions of a new labor agreement, including but not limited to the issue of wages, they shall jointly select or, failing their agreement, upon the written petition of either or both parties, the Governor shall appoint within 30 days after the receipt of said petition a neutral fact finder to investigate and explore all unresolved collective bargaining issues and to render a report to the Authority, the authorized representative, and the public. The neutral fact finder shall conduct such hearings as may be necessary to provide for the full and fair presentation of all unresolved collective bargaining issues by both parties. That fact finder shall be authorized to sign and issue subpoenas for witnesses or documents, to administer oaths, to take oral or written testimony and to take such other actions as may be needed to make comprehensive findings of fact and recommendations. When a subpoena is disobeyed, any party may apply to the Superior Court of Fulton County for an order requiring obedience. Failure to comply with that order shall be cause for punishment as for contempt of court. The costs of securing the attendance of witnesses, including fees and mileage, shall be computed in the same manner as prescribed by law in civil cases in the superior court.

- (5) The fact finder's report shall recommend as to all unresolved collective bargaining issues submitted for fact finding, including appropriate wages, hours and other terms and conditions of employment for represented employees, and shall set forth supporting factual findings, determined after due consideration of the factors set forth in subparagraphs (A) through (E) of paragraph (8) of this subsection, and shall contain a summary of the findings. The report of the fact finder shall be issued within 30 days after the fact finder is selected or appointed. Upon issuance, the report shall be distributed by the Authority to the Governor, the Metropolitan Atlanta Rapid Transit Overview Committee of the Georgia General Assembly, and each local governing body in the metropolitan area. The fact finder shall cause the summary of findings to be published once in the newspaper having the largest circulation in the metropolitan area. The fact finder shall be compensated in the same manner as a special master pursuant to Code Section 22-2-106 of the O.C.G.A., and the costs thereof and any other costs of the proceeding shall be borne equally by the parties. After selection or appointment of a fact finder pursuant to this paragraph, the parties may continue to collectively bargain on any issues, including but not limited to those submitted for fact-finding.
- (6) Upon issuance of the fact finder's report, the Authority and the authorized representative shall continue to collectively bargain in light of the recommendations set forth in such report. If either party rejects any or all of the fact finder's recommendations and the parties are otherwise unable, through collective bargaining, to reach agreement on such issue or issues, then each party rejecting any of the fact finder's recommendations shall prepare a written statement setting forth the specific recommendations which such party has rejected, the party's counterproposal on the issue or issues, and the reasons for rejecting the fact finder's recommendations. Prior to the commencement of any proceeding for a judicial determination interest arbitration, as provided in paragraph (7) of this subsection, each party required under this paragraph to prepare that statement shall cause it to be published in the local newspaper having the largest circulation in the metropolitan area and shall concurrently distribute that statement to the Governor, the Metropolitan Atlanta Rapid Transit Overview Committee of the Georgia General Assembly, and each local governing body in the metropolitan area.
- (7) If, within the 30 days following issuance of the fact finder's report, the Authority and the authorized representative are unable to conclude a new labor agreement, either party may then seek a judicial determination of any binding interest arbitration of all unresolved issues between the parties. Such an action may be instituted by the filing of a petition for a judicial determination directed to the senior judge in time of service of the Superior Court of Fulton County in even-numbered years or the senior judge in time of service of the Superior Court of DeKalb County in odd-numbered years to resolve any issue. That judge, without a jury, with the Governor for binding interest arbitration and for the appointment of an arbitrator. The Governor shall appoint an arbitrator who is a member of the National Academy of Arbitrators or is approved by the American Arbitration Association within 30 days of the petition.

That arbitrator shall decide the issues within 90 days after said petition shall be filed with the elerk of the superior court of such judge's judicial circuit Governor. That judge's arbitrator's decision on those issues shall bind both the Authority and the authorized representative and there shall be no appeal from that decision. That judge arbitrator may require the Authority and the authorized representative to provide that judge arbitrator with such information as the judge arbitrator determines to be necessary in the resolving of the issues submitted thereto. In the event that any unresolved collective bargaining issue, including but not limited to wage rates for represented employees, is not submitted for judicial determination, the parties shall continue to collectively bargain with respect to such issues in a good faith effort to reach agreement on such issues or to agree upon the terms and conditions of a stipulation or submission agreement to be submitted for judicial determination, as provided in this paragraph.

- (8) In any <u>judicial determination</u> <u>interest arbitration</u> under this subsection, the <u>judge arbitrator</u> shall be bound by any written stipulation or submission agreement between the Authority and the authorized representative concerning such determination. In determining any issue, the <u>judge arbitrator</u> shall also give weight both to the report of the neutral fact finder and to the following factors:
 - (A) The financial ability of the Authority to pay wages and provide benefits, whether or not increased, while adhering to all legal requirements governing the Authority's expenditure of public funds and revenues and maintaining levels of transit service sufficient to serve the metropolitan area;
 - (B) The amount, if any, of any fare increase which would be necessary to afford a wage or salary increase or improvement in fringe benefits or extension of vacation, holiday, or excused time and the ability of the public to bear a fare increase, with consideration of the per capita income of those persons in the service area;
 - (C) A comparison between the overall wage and salary levels and fringe benefit levels and vacation, holiday and excused time allowances of the Authority's represented employees and other workers in the public and private sectors of the metropolitan area who perform work requiring similar skills in other major ground transportation services;
 - (D) A comparison of the hours and working conditions of the Authority's represented employees and other workers in the public and private sectors of the metropolitan area who perform work requiring similar skills in other major ground transportation services; and
 - (E) The cost of consumer goods and services within the metropolitan area.
- (9) In the event that either party wishes to enforce the decision of the arbitrator, a petition for such enforcement must be filed within ninety (90) days of such decision. In odd numbered years, the petition must be filed in the Superior Court of Fulton County and directed to the senior judge in time of service in that court. In even numbered years, the petition must be filed in the Superior Court of DeKalb County and directed to the senior judge in time of service in that court. The court shall

confirm the decision unless the decision is vacated by the court because the court finds that the rights of a party were prejudiced by:

- (A) Corruption, fraud, or misconduct in procuring the decision;
- (B) Partiality of an arbitrator appointed as a neutral;
- (C) An overstepping by the arbitrators of their authority or such imperfect execution of it that a final and definite decision upon the subject of such matter submitted was not made; or
- (D) The arbitrator's manifest disregard for the law.

The judge's ruling in this enforcement proceeding shall bind the Authority and the authorized representative and there shall be no appeal from this decision.

- (10) Subject to any requirement imposed pursuant to Section 13 (c) of the Urban Mass Transportation Act of 1964, as amended, the Authority at all times shall have the right to determine the method, means, and personnel by which its operations are to be carried on, including the right to hire part-time employees. Upon vacating a decision, the court may order a rehearing and determination of all or any of the issues either before the same arbitrator or before a new arbitrator appointed as provided by this part. In any provision of an agreement limiting the time for a hearing or decision, time shall be measured from the date of such order or rehearing, whichever is appropriate, or a time may be specified by the court.
- (11) In enacting this subsection, the General Assembly recognizes that arbitration ousts the jurisdiction of the courts and declares that it is appropriate for the state to regulate any method of disputes resolution that takes place outside the judicial system. The Superior Court of Fulton County shall have equitable and legal jurisdiction to enforce this subsection. No employee of the Authority shall engage in any strike, sit-down, slow-down, walkout, or other concerted cessation or curtailment of work, and no authorized representative of employees of the Authority shall cause, instigate, encourage, promote or condone any strike, sit-down, slow-down, walkout, or other concerted cessation or curtailment of work by any employee of the Authority. The Authority shall not unilaterally increase, decrease, or otherwise change the wages, including accrued cost-of-living allowances, or fringe benefits of represented employees as of the last day of an expired contract pending the establishment of new wages and fringe benefits by negotiation or judicial determination interest arbitration.
- (12) Subject to any requirement imposed pursuant to Section 13 (c) of the Urban Mass Transportation Act of 1964, as amended, the Authority at all times shall have the right to determine the method, means, and personnel by which its operations are to be carried on, including the right to hire part-time employees.
- (c) All provisions of general law applicable to the records and documents of counties and municipalities and public access thereto shall be fully applicable to the records and documents of the Authority. The Board shall make reasonable rules and regulations concerning access to its records and documents and may charge reasonable fees for copies on or certifications thereof.
- (d) As to copies of financial reports and documents under Section 16, budget reports and documents under Section 17, engineering reports and documents under Section 18,

and proposed rapid transit contracts under Section 24, the Board may provide for the printing and distribution of a reasonable supply thereof to the public and may, in its discretion, require payment of a reasonable charge therefor."

SECTION 3.

Said Act is further amended by striking subsection (i) of Section 25 and inserting in its place the following:

"(i) Use of Proceeds. The proceeds of the tax levied pursuant to this Act shall be used solely by each local government to fulfill the obligations incurred in the contracts entered into with the Metropolitan Atlanta Rapid Transit Authority as contemplated in the Metropolitan Atlanta Rapid Transit Authority Act of 1965, as amended; provided, however, that no more than fifty percent (50%) of the annual proceeds of the tax shall be used to subsidize the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection, until January 1, 2002. For the period beginning January 1, 2002, and ending June 30, 2002; and for each fiscal year commencing thereafter until July 1, 2006; and the period beginning July 1, 2006, and ending December 31, 2006 2008, no more than fifty-five percent (55%) of the proceeds of the tax shall be used to subsidize the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection; and for the period beginning January 1, 2007 2009, and ending June 30, 2007 2009, and each fiscal year commencing thereafter until July 1, 2032, no more than fifty percent (50%) of the proceeds of the tax shall be used to subsidize the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection; except that if the Board of the Metropolitan Atlanta Rapid Transit Authority shall fail to file with the Metropolitan Atlanta Rapid Transit Overview Committee not later than December 31, 2002 annually, the original and 14 copies of a report of the findings of a completed management performance audit of the authority's Authority's current operations, which audit was performed under contract with and at the expense of the authority by the Georgia Regional Transportation Authority pursuant to paragraph (16) of subsection (a) of Code Section 50-32-11 of the O.C.G.A. Authority, along with any auditor's recommendations based thereon and the auditor's signed written verification that the Metropolitan Atlanta Rapid Transit Authority fully cooperated with such audit and allowed access to all its books, records, and documents to the extent the auditor deemed necessary, then for the period beginning January 1, 2003, and ending June 30, 2003, and each fiscal year commencing thereafter until July 1, 2032, no more than fifty percent (50%) of the proceeds of the tax shall be used to subsidize the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection. For each fiscal year commencing on or after July 1, 2032, no more than sixty percent (60%) of the annual proceeds of the tax shall be used to subsidize the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection; and commencing with July 1, 2032, and for every year thereafter, the proceeds of the tax shall not be used to subsidize operations of the transportation

system to an extent greater than fifty percent (50%) of the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection. In adopting its annual budget, the Board of the Metropolitan Atlanta Rapid Transit Authority shall be authorized to rely upon estimates of all revenues, operating costs, patronage, and other factors which may affect the amount of the fare required to limit the operating subsidy herein provided for. If the results of any year's operations reflect that the proceeds of the tax were used to subsidize operations to an extent greater than herein provided, the Board shall adjust fares in order to make up the deficit in operations during a period of not to exceed three (3) succeeding years. If the results of operations in the Authority's fiscal year commencing July 1, 1980, or in any subsequent fiscal year reflect that the proceeds of the tax were not used to subsidize operations to the maximum extent herein provided, the Board may, in its sole discretion, shall reserve any amounts that could have been used to subsidize operations in that fiscal year and later use said reserved amounts and any interest earned on said reserved amounts to provide an additional subsidy for operations in any future fiscal year or years. The words 'operating costs of the system' for purposes of this subsection 25(i) are defined to include all of the costs of that division of the Authority directly involved and that portion of the nonoperating administrative costs of those divisions of the Authority indirectly involved, through the provision of support services, in providing mass transportation services for the metropolitan area, but exclusive of the costs of the division or divisions directly involved and that portion of the nonoperating administrative costs of those divisions indirectly involved, in the planning, design, acquisition, construction, and improvement of the rapid transit system, according to accepted principles of accounting, and also exclusive of the following costs:

- (1) Nonrecurring costs and charges incurred in order to comply with any statute or regulation concerning either the protection or cleaning up of the environment, or accessibility by handicapped or disabled persons, or occupational health or safety, or compliance with any national or state emergencies, or with any judgment, decree, or order of any court or regulatory agency in implementation of any such statute or regulation; and
- (2) In the case of leases of equipment or facilities that, according to generally accepted principles of accounting, would not be classified as capital leases, payments of rent, and other payments for the property subject to such leases or for the use thereof; provided that any costs for regular maintenance or repair of such equipment or facilities shall not be excluded.

If any proceeds of the tax levied pursuant to this Act are held for the purpose of planning, designing, acquiring, or constructing additional facilities or equipment for or improvements to the rapid transit system and are invested, then all interest earned from such investments shall be used only for such purposes or for paying the principal of or interest on bonds or certificates issued for such purposes. Commencing July 1, 1988, and until June 30, 2006 2008, and only if expressly authorized by the board, interest earned on reserve funds set aside for rebuilding, repairing, or renovating facilities of the rapid transit system; for replacing, repairing, or renovating equipment or other capital

assets thereof; or from the sale or other disposition of real property, may, without regard to the original source of the funds so reserved, be used to pay the operating costs of the system as such costs are defined in this subsection."

SECTION 4.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	E Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
E Borders	E Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	E Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Knox	Y Parsons	Y Thomas, A.M
Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Hatfield	Loudermilk	Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	E Heard, K	Y Lunsford	Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Rogers	Y Wix

Y Cooper Y Henson Y Manning Y Royal Y Yates
Y Cox Y Hill, C Y Marin Y Rynders Richardson,
Speaker

On the passage of the Bill, by substitute, the ayes were 160, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Knox of the 24th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

The following Bill of the House was taken up for the purpose of considering the Senate's insistence on its position in substituting the same:

HB 1390. By Representative Ehrhart of the 36th:

A BILL to be entitled an Act to amend Chapter 30 of Title 43 of the Official Code of Georgia Annotated, relating to optometrists, so as to change certain provisions relating to creation of the State Board of Optometry, its composition, and qualifications of its members; to change certain provisions relating to the terms of office of board members; to provide for related matters; to repeal conflicting laws; and for other purposes.

Representative Ehrhart of the 36th moved that the House insist on its position in disagreeing to the Senate substitute to HB 1390 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives Ehrhart of the 36th, Coan of the 101st, and Smith of the 168th.

The following Bills of the House were taken up for the purpose of considering the Senate substitute or amendment thereto:

HB 1320. By Representatives Smith of the 70th, Burkhalter of the 50th, Ralston of the 7th, Willard of the 49th, Rice of the 51st and others:

A BILL to be entitled an Act to extensively revise various provisions of the O.C.G.A. relating to littering and related environmental offenses; and for other purposes.

The following Senate substitute was read:

A BILL

To extensively revise various provisions relating to littering and related environmental offenses; to provide a short title; to amend Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to criminal trespass and damage to property, so as to change certain provisions relating to littering public and private property; to change certain provisions relating to waste control; to provide for impoundment of vehicles involved in certain littering offenses; to amend Article 1 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to general provisions relative to elections and primaries generally, so as to change certain provisions relating to prohibited placement of campaign posters, signs, and advertisements; to amend Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste management, so as to change certain provisions relating to definitions relative to solid waste; to provide for reports by the Department of Community Affairs concerning prevention and abatement of litter; to change certain provisions relating to definitions relative to hazardous waste management; to change certain provisions relating to definitions relative to hazardous site response; to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to provide for jurisdiction of certain courts over littering offenses; to amend Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, so as to provide for trial of certain littering offenses upon a summons or citation without an accusation; to change certain provisions relating to acceptance of cash bonds in lieu of statutory bond or recognizance by officers or officials authorized to enforce the "Litter Control Law"; to amend Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to regulation of maintenance and use of public roads generally, so as to change certain provisions relating to securing loads on vehicles; to change certain provisions relating to erection, placement, or maintenance of an unlawful or unauthorized structure and removal thereof; to change certain provisions relating to littering highways; to amend Article 1 of Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions relative to municipal courts, so as to provide for jurisdiction over littering offenses; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to change certain provisions relating to suspension or revocation of drivers' licenses of habitually negligent or dangerous drivers and the points system; to provide for editorial revisions; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I SECTION 1-1.

This Act shall be known and may be cited as the "Comprehensive Litter Prevention and Abatement Act of 2006."

PART II SECTION 2-1.

Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to criminal trespass and damage to property, is amended by striking Part 2, relating to littering public and private property, and inserting in lieu thereof the following:

"Part 2

16-7-40.

This part shall be known and may be cited as the 'Litter Control Law.' Reserved.

16-7-41.

Repealed. Reserved.

16-7-42

As used in this part, the term:

- (1) 'Litter' means all discarded sand, gravel, slag, brickbats, rubbish, waste material, tin cans, refuse, garbage, trash, debris, dead animals, or other discarded materials of every kind and description which are not waste as such term is defined in paragraph (6) of Code Section 16-7-51 any discarded or abandoned:
 - (A) Refuse, rubbish, junk, or other waste material; or
 - (B) Dead animals that are not subject to the provisions of Code Section 4-5-4.
- (2) 'Public or private property' means the right of way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; and residential or farm properties, timberlands, or forests; or any commercial or industrial property.

16-7-43.

- (a) It shall be unlawful for any person or persons to dump, deposit, throw, or leave or to cause or permit the dumping, depositing, placing, throwing, or leaving of litter on any public or private property in this state or any waters in this state, unless:
 - (1) The property area is designated by the state or by any of its agencies or political subdivisions for the disposal of litter and the person is authorized by the proper public authority to so use such property area;
 - (2) The litter is placed into a <u>nondisposable</u> litter receptacle or container installed on such property <u>designed for the temporary storage of litter and located in an area designated by the owner or tenant in lawful possession of the property;</u> or
 - (3) The person is the owner or tenant in lawful possession of such property or has first obtained consent of the owner or tenant in lawful possession or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.

- (b)(1) Any person who violates subsection (a) of this Code section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished as follows:
- (1) By a fine of not less than \$200.00 nor more than \$1,200.00; and
- (2) In addition to the punishment provided under paragraph (1) of this subsection:
 - (2)(A) In the sound discretion of the court, the person may be directed to pick up and remove from any public street or highway or public right of way for a distance not to exceed one mile any litter the person has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence; or
 - (B) In the sound discretion of the judge of the court, the person may be directed to pick up and remove from any public beach, public park, private right of way, or, with the prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that the person has deposited litter, any and all litter deposited thereon by anyone prior to the date of execution of sentence.
- (c) The court may publish the names of persons convicted of violating subsection (a) of this Code section.
- (d) Any county, municipality, consolidated government, or law enforcement agency thereof of this state which is empowered by Code Section 16-7-45 or other law to enforce the provisions of this Code section or local littering ordinances may, in its discretion, appoint any person who is a citizen of the United States, is of good moral character, and has not previously been convicted of a felony to enforce the provisions of this Code section or local littering ordinances within the county, or consolidated government in which the appointing agency exercises jurisdiction. Each person appointed pursuant to this Code section shall take and subscribe an oath of office as prescribed by the appointing authority. Any person appointed and sworn pursuant to this subsection shall be authorized to enforce the provisions of this Code section or local littering ordinances in the same manner as any employee or law enforcement officer of this state or any county, or municipality, or consolidated government of this state subject to the limitations provided in subsections (e) and (f) of this Code section.
- (e) No person appointed pursuant to subsection (d) of this Code section shall be deemed a peace officer under the laws of this state or:
 - (1) Be deemed to be an employee of or receive any compensation from the state, county, municipality, consolidated government, or appointing law enforcement agency;
 - (2) Be required to complete any training or be certified pursuant to the requirements of Chapter 8 of Title 35;
 - (3) Have the power or duty to enforce any other traffic or other criminal laws of the state, county, or municipality, or consolidated government;
 - (4) Have the power to possess and carry firearms and other weapons for the purpose of enforcing the littering laws; or
 - (5) Be entitled to any indemnification from the state, county, or municipality, or consolidated government for any injury or property damage sustained by such person

as a result of attempting to enforce the littering laws of this state or any local government.

- (f) Notwithstanding any law to the contrary, neither the state nor any county, municipality, or other political subdivision consolidated government of this state or any department, agency, board, or officer of this state or any county, municipality, or political subdivision consolidated government of this state shall be liable or accountable for or on account of any act or omission of any person appointed pursuant to this Code section in connection with such person's enforcement of the provisions of this Code section or local littering ordinances.
- (g) It shall be unlawful for any person willfully to obstruct, resist, impede, or interfere with any person appointed pursuant to this Code section in connection with such person's enforcement of this Code section or local littering ordinances or to retaliate or discriminate in any manner against such person as a reprisal for any act or omission of such person. Any violation of this subsection shall be punishable as a misdemeanor.

16-7-44.

- (a) Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of Code Section 16-7-43, it shall be prima-facie evidence the trier of fact may in its discretion and in consideration of the totality of the circumstances infer that the operator of the conveyance has violated this part.
- (b) Except as provided in subsection (a) of this Code section, whenever any litter which is dumped, deposited, thrown, or left on public or private property in violation of Code Section 16-7-43 is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings which display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption the trier of fact may in its discretion and in consideration of the totality of the circumstances infer that such person has violated this part.

16-7-45.

All law enforcement agencies, officers, and officials of this state or any political subdivision thereof or any enforcement agency, officer, or any official of any commission or authority of this state or any political subdivision thereof is authorized, empowered, and directed to enforce compliance with this part.

16-7-46.

All public authorities and agencies having supervision of properties of this state are authorized, empowered, and instructed to establish and maintain receptacles for the deposit of litter at appropriate locations where the property is frequented by the public, to post signs directing persons to the receptacles and serving notice of the provisions of this part, and to otherwise publicize the availability of litter receptacles and requirements of this part.

16-7-47.

- (a) As used in this Code section, the term 'household garbage' means animal, vegetable, and fruit refuse matter and other refuse matter ordinarily generated as by-products of a household or restaurant, such as tin cans, bottles, paper, cardboard, plastics, and wrapping or packaging materials.
- (b) The governing authority of each county, municipality, or consolidated government of this state which provides containers for the dumping of trash or garbage therein shall be authorized to designate any or all such containers as being suitable for the dumping therein of household garbage only. If a container is clearly marked 'household garbage only,' it shall be unlawful for any person to dump any refuse or other material into the container other than household garbage.
- (c) It shall be unlawful for any person to set fire to the contents of, indiscriminately scatter or disperse the contents of, or otherwise vandalize any containers provided by any county, municipality, or consolidated government for the dumping of trash or garbage.
- (d) Any person who violates subsection (b) or (c) of this Code section shall be guilty of a misdemeanor.

16-7-48.

- (a) Nothing in this part shall limit the authority of any state agency, county, municipality, or consolidated government to enforce any other laws, rules, or regulations relating to litter.
- (b) Nothing within this part shall be construed to prohibit the adoption of local ordinances regulating and controlling litter within the corporate limits of a municipality jurisdiction of any county, municipality, or consolidated government. Violation of such ordinances shall be punished as provided in the municipal charter or local ordinances."

SECTION 2-2.

Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to criminal trespass and damage to property, is amended by striking Part 3, relating to waste control, and inserting in lieu thereof the following:

"Part 3

16-7-50.

This part shall be known and may be cited as the 'Waste Control Law.' Reserved. 16-7-51.

As used in this part, the term:

- (1) 'Biomedical waste' means that term as defined in paragraph (1.1) of Code Section 12-8-22 on January 1, 1993.
- (2) 'Commercial purpose' means for the purpose of economic gain.
- (3) 'Dump' means to throw, discard, place, deposit, discharge, burn, or dispose of a substance.

- (6)(4) 'Egregious litter' 'Waste' means all discarded substances and materials whatsoever litter, as such term is defined in paragraph (1) of Code Section 16-7-42, exceeding ten pounds in weight or 15 cubic feet in volume; or any such discarded or abandoned substance in any weight or volume if biomedical waste, hazardous waste, or a hazardous substance, or or any such substance or material dumped for commercial purposes. Such term includes, without limitation, sand; gravel; slag; brickbats; rubbish; waste material; tin cans; refuse; garbage; trash; debris; dead animals; bottles; boxes; containers; papers; tobacco products; tires; appliances; mechanical equipment or parts; building or construction materials; tools; machinery; wood; motor vehicles and motor vehicle parts; vessels; aircraft equipment; waste oil; batteries; antifreeze; sludge from a waste-water treatment facility, water supply treatment plant, or air pollution control facility; air contaminants from any source or facility; and any other discarded material or substance of every kind and description resulting from domestic, industrial, commercial, mining, or governmental operations. (4)(5) 'Hazardous substance' means that term as defined in paragraph (4) of Code Section 12-8-92 on January 1, 1993.
- (5)(6) 'Hazardous waste' means that term as defined in paragraph (10) of Code Section 12-8-62 on January 1, 1993.

16-7-52.

It shall be unlawful for any person to <u>intentionally</u> dump waste <u>egregious litter</u> unless authorized to do so by law or by a duly issued permit:

- (1) In or on any public highway, road, street, alley, or thoroughfare, including any portion of the right of way thereof, or on any other public lands except in containers or areas lawfully provided for such dumping;
- (2) In or on any fresh-water lake, river, canal, or stream or tidal or coastal water of the state; or
- (3) In or on any private property, unless prior consent of the owner has been given and unless such dumping will not adversely affect the public health and is not in violation of any other state law, rule, or regulation.

16-7-53.

- (a) Any person who <u>intentionally</u> dumps waste <u>egregious litter</u> in violation of Code Section 16-7-52 in an amount not exceeding 500 pounds in weight or 100 cubic feet in volume which is not biomedical waste, hazardous waste, or a hazardous substance and not for commercial purposes shall be guilty of a misdemeanor of a high and aggravated nature. For purposes of this subsection, each day a continuing violation occurs shall constitute a separate violation.
- (b) Any person who <u>intentionally</u> dumps waste <u>egregious litter</u> in violation of Code Section 16-7-52 in an amount exceeding 500 pounds in weight or 100 cubic feet in volume <u>which is not biomedical waste</u>, <u>hazardous waste</u>, <u>or a hazardous substance and not for commercial purposes</u> shall upon the first offense be guilty of a misdemeanor of a high and aggravated nature and shall upon. <u>Upon</u> the second and each subsequent

- offense <u>such person shall</u> be guilty of a felony and, upon conviction thereof, shall be fined not more than \$25,000.00 for each violation or imprisoned for not more than two <u>five</u> years, or both; <u>provided</u>, <u>however</u>, that the portion of any term of imprisonment exceeding two years shall be probated conditioned upon payment of a fine imposed <u>under this subsection</u>. For purposes of this subsection, each day a continuing violation occurs shall constitute a separate violation.
- (c) Any person who <u>intentionally</u> dumps waste <u>egregious litter</u> in violation of Code Section 16-7-52 in any quantity if the <u>waste substance</u> is biomedical waste, hazardous waste, or a hazardous substance or if the dumping is for commercial purposes shall be guilty of a felony and, upon conviction thereof, shall be fined not more than \$25,000.00 for each violation or imprisoned for not more than two <u>five</u> years, or both; <u>provided</u>, <u>however</u>, that the portion of any term of imprisonment exceeding two years shall be <u>probated conditioned upon payment of a fine imposed under this subsection</u>. For purposes of this subsection, each day a continuing violation occurs shall constitute a separate violation.
- (d) In addition to the penalties provided in subsections (a) and (b) of this Code section, the court may order the violator to remove or render harmless any waste egregious litter dumped in violation of Code Section 16-7-52, repair or restore property damaged by or pay damages resulting from such dumping, or perform public service related to the removal of illegally dumped waste egregious litter or to the restoration of an area polluted by such waste substance.
 - (e)(1) The court shall cause to be published a notice of conviction for each person convicted of violating any provision of this Code section. Such notices of conviction shall be published in the manner of legal notices in the legal organ of the county in which such person resides or, in the case of a nonresident, in the legal organ of the county in which the person was convicted. Such notice of conviction shall contain the name and address of the convicted person; date, time, and place of arrest; and disposition of the case and shall be published once in the legal organ of the appropriate county in the second week following such conviction or as soon thereafter as publication may be made.
 - (2) The convicted person for which a notice of conviction is published pursuant to this subsection shall be assessed the cost of publication of such notice, and such assessment shall be imposed at the time of conviction in addition to any other fine imposed pursuant to this Code section.
 - (3) The clerk of the court, the publisher of any legal organ which publishes a notice of conviction, and any other person involved in the publication of an erroneous notice of conviction shall be immune from civil or criminal liability for such erroneous publication, provided such publication was made in good faith.

16-7-53.1.

(a) Whenever a person has been arrested for a violation of Code Section 16-7-52 committed while driving, moving, or operating a vehicle, the arresting law enforcement agency may impound the vehicle that the person was driving, moving, or operating at

the time of arrest until such time as the arrestee claiming the vehicle meets the conditions for release in subsection (b) of this Code section or a person other than the arrestee meets the conditions for release in subsection (c) of this Code section.

- (b) A vehicle impounded pursuant to this Code section shall not be released unless the person claiming the vehicle:
 - (1) Presents a valid driver's license, proof of ownership or lawful authority to operate the motor vehicle, and proof of valid motor vehicle insurance for that vehicle; and
 - (2) Is able to operate the vehicle in a safe manner and would not be in violation of Title 40.
- (c) A vehicle impounded pursuant to this Code section may be released to a person other than the arrestee only if:
 - (1) The vehicle is not owned or leased by the person under arrest and the person who owns or leases the vehicle claims the vehicle and meets the conditions for release in subsection (b) of this Code section; or
 - (2) The vehicle is owned or leased by the arrestee, the arrestee gives written permission to another person to operate the vehicle, and the conditions for release in subsection (b) of this Code section are met.
- (d) A law enforcement agency impounding a vehicle pursuant to this Code section may charge a reasonable fee for towing and storage of the vehicle. The law enforcement agency may retain custody of the vehicle until that fee is paid.

16-7-54.

Whenever any waste egregious litter which is dumped in violation of Code Section 16-7-52 is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings which display the name of a person thereon, addressed to such person or in any other manner indicating that the article belongs or belonged to such person, it shall be a rebuttable presumption the trier of fact may in its discretion and in consideration of the totality of the circumstances infer that such person has violated this part.

16-7-55.

- (a) Nothing in this part shall limit the authority of any state agency, county, municipality, or consolidated government to enforce any other laws, rules, or regulations relating to waste egregious litter or the management of solid, biomedical, or hazardous waste.
- (b) Nothing within this part shall be construed to prohibit the adoption of local ordinances regulating and controlling egregious litter within the jurisdiction of any county, municipality, or consolidated government. Violation of such ordinances shall be punished as provided in the municipal charter or local ordinances.

16-7-56.

Nothing in this part shall be construed so as to repeal, supersede, amend, or modify any provision of Title 12."

SECTION 2-3.

Article 1 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to general provisions relative to elections and primaries generally, and Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to criminal trespass and damage to property, are amended by striking Code Section 21-2-3, relating to prohibited placement of campaign posters, signs, and advertisements, and inserting in lieu thereof in said Article 2 of Chapter 7 of Title 16 the following:

"Part 3A

21-2-3 <u>16-7-58</u>.

- (a) It shall be unlawful for any person to place eampaign posters, signs, and or advertisements:
 - (1) Within the right of way of any public streets, roads, or highways;
 - (2)(1) On any public property or building, unless the owner thereof or the occupier as authorized by such owner has given permission to place such posters, signs, or advertisements on such property; provided, however, that signs within the rights of way of public roads shall be governed by Code Section 32-6-51;
 - (3)(2) On any private property unless the owner thereof <u>or the occupier as authorized</u> <u>by such owner</u> has given permission to place such campaign posters, signs, and <u>or</u> advertisements on such property; or
 - (4) Reserved;
 - (5)(3) On any property zoned for commercial or industrial uses if the placement of such eampaign posters, signs, and or advertisements conflicts with any zoning laws or ordinances.
- (b) Any poster, sign, or advertisement placed in violation of paragraph (1) of subsection (a) of this Code section is declared to be a public nuisance, and the officials having jurisdiction of the public property or building, including without limitation law enforcement officers, may remove or direct the removal of the same.
- (c) Each poster, sign, or advertisement placed in violation of this Code section shall constitute a separate offense.
- (b)(d) Any person who violates this Code section shall be guilty of a misdemeanor shall be punished the same as for littering under Code Section 16-7-43."

PART III SECTION 3-1.

Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste management, is amended by striking paragraph (1.1) of Code Section 12-8-22, relating to definitions relative to solid waste, and inserting in lieu thereof the following:

"(1.1) 'Biomedical waste' means pathological waste, biological waste cultures and stocks of infectious agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other wastes from such animals), sharps,

chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials which have not been decontaminated, as further defined in Rule 391-3-4-.15 of the board <u>as such rule existed on January 1, 2006</u>, and other such waste materials."

SECTION 3-2.

Said chapter is further amended in Code Section 12-8-31, relating to a solid waste management plan, by adding a new subsection to read as follows:

- "(e) By December 31, 2006, and annually thereafter, the Department of Community Affairs, as part of the annual solid waste report required in subsection (d) of this Code section and in cooperation with state agencies and other entities involved in litter prevention or abatement, shall report to the Governor and the General Assembly the status of litter prevention and abatement in this state. The litter report shall include but not be limited to:
 - (1) An itemization of expenditures made from the Solid Waste Trust Fund for the prevention and abatement of litter;
 - (2) A compilation and analysis of litter prevention, collection, and enforcement efforts;
 - (3) An assessment of littering in this state;
 - (4) A statement of progress in achieving a litter prevention ethic; and
 - (5) Recommendations for improving litter abatement and prevention efforts."

SECTION 3-3.

Said chapter is further amended by striking paragraph (10) of Code Section 12-8-62, relating to definitions relative to hazardous waste management, and inserting in lieu thereof the following:

"(10) 'Hazardous waste' means any solid waste which has been defined as a hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act which are in force and effect on February 1, 1996 January 1, 2006, codified as 40 C.F.R. Section 261.3 and any designated hazardous waste."

SECTION 3-4.

Said chapter is further amended by striking paragraph (4) of Code Section 12-8-92, relating to definitions relative to hazardous site response, and inserting in lieu thereof the following:

"(4) 'Hazardous substance' means any substance listed on the List of Hazardous Substances and Reportable Quantities, codified as 40 C.F.R., Part 302, Table 302.4, in force and effect on February 1, 1996, or any substance listed on the List of Extremely Hazardous Substances and Their Threshold Planning Quantities, codified as 40 C.F.R., Part 355, Appendix A, in force and effect on February 1, 1996 January 1, 2006."

SECTION 3-5.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by adding a new Code section to read as follows:

"15-9-30.7.

- (a) Subject to the provisions of subsection (b) of this Code section, in addition to any other jurisdiction vested in the probate courts, such courts shall have the right and power to conduct trials, receive pleas of guilty, and impose sentence upon defendants for violating any provision of Part 2, Part 3, or Part 3A of Article 2 of Chapter 7 of Title 16 or Code Section 32-6-51 or 40-6-248.1 that is punishable for its violation as a misdemeanor. Such jurisdiction shall be concurrent with other courts having jurisdiction over such violations.
- (b) A probate court shall not have the power to dispose of misdemeanor cases as provided in subsection (a) of this Code section unless the defendant shall first waive in writing a trial by jury. If the defendant does not waive a trial by jury, the defendant shall notify the court and, if reasonable cause exists, the defendant shall be immediately bound over to a court in the county having jurisdiction to try the offense wherein a jury may be impaneled."

SECTION 3-6.

Said title is further amended by adding a new Code section to read as follows: "15-10-2.1.

- (a) Subject to the provisions of subsection (b) of this Code section, in addition to any other jurisdiction vested in the magistrate courts, such courts shall have the right and power to conduct trials, receive pleas of guilty, and impose sentence upon defendants for violating any provision of Part 2, Part 3, or Part 3A of Article 2 of Chapter 7 of Title 16 or Code Section 32-6-51 or 40-6-248.1 that is punishable for its violation as a misdemeanor. Such jurisdiction shall be concurrent with other courts having jurisdiction over such violations.
- (b) A magistrate court shall not have the power to dispose of misdemeanor cases as provided in subsection (a) of this Code section unless the defendant shall first waive in writing a trial by jury. If the defendant does not waive a trial by jury, the defendant shall notify the court and, if reasonable cause exists, the defendant shall be immediately bound over to a court in the county having jurisdiction to try the offense wherein a jury may be impaneled."

SECTION 3-7.

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended by striking Code Section 17-6-9, relating to acceptance of cash bonds in lieu of statutory bond or recognizance by officers or officials authorized to enforce the "Litter Control Law," and inserting in lieu thereof the following:

"17-6-9.

Any law enforcement officer or official of a political subdivision of this state who is authorized to enforce Part 2 of Article 2 of Chapter 7 of Title 16, the 'Litter Control

Law,' and who is authorized by the judge having jurisdiction of the offense to accept cash bonds may accept a cash bond for the personal appearance at trial of the person arrested in lieu of a statutory bond or recognizance. The procedures connected with such cash bonds, including, but not limited to, duties of the arresting officer, forfeiture, distribution of proceeds, and discretion of court as to disposal of the cash bond, shall be the same procedures applicable to arrest by a sheriff for a violation of any litter law."

SECTION 3-8.

Said title is further amended by adding a new Code section to read as follows: "17-7-73.

In probate, magistrate, and municipal courts that have jurisdiction over violations of Part 2, Part 3, or Part 3A of Article 2 of Chapter 7 of Title 16 or Code Section 32-6-51 or 40-6-248.1 that are punishable as misdemeanors in accordance with Code Section 15-9-30.7, 15-10-2.1, or 36-32-10.3 such offenses may be tried upon a summons or citation with or without an accusation."

SECTION 3-9.

Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to regulation of maintenance and use of public roads generally, and Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, are amended by striking Code Section 32-6-21, relating to securing loads on vehicles, and inserting in lieu thereof in said Title 40 the following:

"32-6-21 <u>40-6-248.1</u>.

- (a) As used in this Code section, the term 'litter' has the meaning provided by paragraph (1) of Code Section 16-7-42.
- (a)(a.1) No vehicle shall be driven or moved on any public road unless such vehicle is constructed or loaded or covered so as to prevent any of its load from dropping, escaping, or shifting in such a manner as to create:
 - (1) Create a safety hazard; or
- (2) Deposit litter on public or private property while such vehicle is on a public road. However, this Code section shall not prohibit the necessary spreading of any substance in public road maintenance or construction operations.
- (b) No person shall operate or load for operation, on any public road, any vehicle with any load unless such load and any covering thereon is securely fastened so as to prevent said covering or load from becoming:
 - (1) Becoming loose, detached, or in any manner becoming a hazard to other users of the public road; or
 - (2) Depositing litter on public or private property while such vehicle is on a public road.
- (c) Nothing in this Code section nor any regulations based thereon shall conflict with federal, Georgia Public Service Commission, or Georgia Board of Public Safety regulations applying to the securing of loads on motor vehicles.

(d) The provisions of <u>paragraph (2) of subsection (a) and paragraph (2) of</u> subsection (b) of this Code section and regulations based thereon shall not apply to vehicles carrying organic debris that escapes during the transportation of silage from field <u>or farm</u> to storage and storage to feedlot or vehicles or equipment carrying unginned cotton during the transportation of agricultural or farm products or silvicultural

SECTION 3-10.

products from farm or forest to a processing plant or point of sale or use."

Said chapter is further amended by striking Code Section 32-6-51, relating to erection, placement, or maintenance of unlawful or unauthorized structure and removal thereof, and inserting in lieu thereof the following:

"32-6-51.

- (a)(1) It shall be unlawful for any person to erect, place, or maintain within the <u>dedicated</u> right of way of any public road any sign, signal, or other device except as authorized by <u>this subsection or</u> subsection (d) of this Code section or as required or authorized by Code Section 32-6-50 or any other law.
- (2) The erection, placement, and maintenance of signs within the dedicated rights of way of county roads or municipal streets may be authorized and governed by ordinances adopted by governing authorities of counties and municipalities having jurisdiction over such roads or streets, which ordinances as to such dedicated rights of way of county roads or municipal streets may be as or less restrictive than the provisions of paragraph (1) of this subsection.
- (b) It shall be unlawful for any person to erect, place, or maintain in a place or position visible from any public road any unauthorized sign, signal, device, or other structure which:
 - (1) Imitates, resembles, or purports to be an official traffic-control device;
 - (2) Hides from view or interferes with the effectiveness of any official traffic-control device;
 - (3) Obstructs a clear view from any public road to any other portion of such public road, to intersecting or adjoining public roads, or to property abutting such public road in such a manner as to constitute a hazard to traffic on such roads; or
 - (4) Because of its nature, construction, or operation, constitutes a dangerous distraction to or interferes with the vision of drivers of motor vehicles.
- (c) Any sign, signal, device, or other structure erected, placed, or maintained on the <u>dedicated</u> right of way of any public road in violation of subsection (a) or (b) of this Code section or in violation of any ordinance adopted pursuant to subsection (a) of this <u>Code section</u> is declared to be a public nuisance, and the officials having jurisdiction of the public road affected may remove or direct the removal of the same. Where any sign, signal, device, or other structure is erected, placed, or maintained in violation of subsection (b) of this Code section, but not on the <u>dedicated</u> right of way of any public road, the officials having jurisdiction of the public road affected may order the removal of such structure by written notice to the owner of the structure or the owner of the land

on which the structure is located. If such structure is not removed within 30 days after the giving of such order of removal, such officials are authorized to remove or cause to be removed such structure and to submit a statement of expenses incurred in the removal to the owner of the structure or to the owner of the land on which the structure is located. If payment or arrangement to make payment is not made within 60 days after the receipt of said statement, the department shall certify the amount thereof for collection to the Attorney General.

- (d)(1) As used in this subsection, the term:
 - (A) 'Bus shelter' means a shelter or bench located at bus stops for the convenience of passengers of public transportation systems owned and operated by governmental units or public authorities or located on county or municipality rights of way for the convenience of residents.
 - (B) 'Commercial advertisement advertisements' means a any printed or painted sign encouraging or promoting the purchase or use of goods or services but does not include campaign posters, signs, or advertisements prohibited by Code Section 21-2-3 signs on a bus shelter for which space has been rented or leased from the owner of such shelter.
- (2) Bus shelters, including those on which commercial advertisements are placed, may be erected and maintained on the rights of way of public roads subject to the following conditions and requirements:
 - (A) Any public transit system wishing to erect and maintain a bus shelter on the right of way of a state road shall apply to the department for a permit, and as a condition of the issuance of the permit, the department must approve the bus shelter building plans and the location of the bus shelter on the right of way; provided, however, that such approval is subject to any and all restrictions imposed by Title 23, U.S.C., and Title 23, Code of Federal Regulations relating to the federal-aid system. This paragraph shall entitle only public transit systems or their designated agents the right to be issued permits under this paragraph;
 - (B) If the bus shelter is to be located on the right of way of a public road other than a state road within a county or municipality, application for permission to erect and maintain such shelter shall be made to the respective county or municipality. Such application shall conform to the county's and municipality's regulations governing the erection and maintenance of such structures. When the county or municipality is served by a public transit agency or authority, the applications for all bus shelters on routes of such agency or authority shall also be forwarded by the applicant to such transit agency or authority and subject to the approval of such agency or authority; and
 - (C) As a condition of issuing a permit for the erection of a bus shelter on the right of way of a state road, the department shall require that the bus shelter shall be properly maintained and that its location shall meet minimum setback requirements as follows:

- (i) Where a curb and gutter are present, there shall be a minimum of four feet clearance from the face of the curb to any portion of the bus shelter or the bus shelter shall be placed at the back of the existing concrete sidewalk; or
- (ii) Where no curb or gutter is present, the front of the bus shelter shall be at least ten feet from the edge of the main traveled roadway.
- (3) Any bus shelter erected and maintained on the right of way of a public road in violation of paragraph (2) of this subsection or in violation of the conditions of the permit issued by the department or in violation of the conditions of the consent of the county or municipality is declared to be a public nuisance and if it is determined to be a hazard to public safety by the department, county, or municipality, it may be removed or its removal may be ordered by the department or the governing authority of the respective county or municipality. In every case of removal of a bus shelter as a hazard to public safety by the department, a county, or a municipality, a good faith attempt shall be made to notify the owner of its removal. In such cases where the department, county, or municipality orders the removal of the bus shelter as a public nuisance, if such a bus shelter is not removed by its owner within 30 days after its owner has been issued a written order of removal by the department or the governing authority of the respective county or municipality, the department or the governing authority of the respective county or municipality may cause the bus shelter to be removed and submit a statement of expenses incurred in the removal to the owner of the bus shelter. In the case of a statement of expenses for removal of a shelter on a state road, if payment or arrangement to make payment is not made within 60 days after the receipt of such statement, the department shall certify the amount thereof to the Attorney General for collection.
- (4) The person to whom a permit has been issued for the erection and maintenance of a bus shelter on the right of way of a public road or who places such shelter on a public road other than a state road shall at all times assume all risks for the bus shelter and shall indemnify and hold harmless the State of Georgia, the department, and any county or municipality against all losses or damages resulting solely from the existence of the bus shelter.
- (5) Permits for shelters on state roads shall be issued under this subsection only to cities, counties, or public transportation authorities owning or operating public transportation systems or their designated agents.
- (e) Each sign erected, placed, or maintained in violation of paragraph (1) of subsection (a) of this Code section shall constitute a separate offense.
- (f) Any person who violates paragraph (1) of subsection (a) of this Code section shall be punished the same as for littering under Code Section 16-7-43. Any person who violates subsection (b) of this Code section shall be guilty of a misdemeanor."

SECTION 3-11.

Article 1 of Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions relative to municipal courts, is amended by adding a new Code section to read as follows:

"36-32-10.3.

- (a) Subject to the provisions of subsection (b) of this Code section, in addition to any other jurisdiction vested in the municipal courts, such courts shall have the right and power to conduct trials, receive pleas of guilty, and impose sentence upon defendants for violating any provision of Part 2, Part 3, or Part 3A of Article 2 of Chapter 7 of Title 16 or Code Section 32-6-51 or 40-6-248.1 that is punishable for its violation as a misdemeanor. Such jurisdiction shall be concurrent with other courts having jurisdiction over such violations.
- (b) A municipal court shall not have the power to dispose of misdemeanor cases as provided in subsection (a) of this Code section unless the defendant shall first waive in writing a trial by jury. If the defendant does not waive a trial by jury, the defendant shall notify the court and, if reasonable cause exists, the defendant shall be immediately bound over to a court in the county having jurisdiction to try the offense wherein a jury may be impaneled."

SECTION 3-12.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended in Code Section 40-5-57, relating to suspension or revocation of drivers' licenses of habitually negligent or dangerous drivers and the points system, by striking subparagraph (c)(1)(A) and inserting in lieu thereof the following:

"(c)(1)(A) Except as provided in subparagraph (C) of this paragraph, the points to be assessed for each offense shall be as provided in the following schedule:

A garaggiya driving	6 noints
Aggressive driving.	
Reckless driving	
Unlawful passing of a school bus	
Improper passing on a hill or a curve	4 points
Exceeding the speed limit by more than 14 miles per hour but	
less than 19 miles per hour	2 points
Exceeding the speed limit by 19 miles per hour or more but	
less than 24 miles per hour	3 points
Exceeding the speed limit by 24 miles per hour or more but	_
less than 34 miles per hour	4 points
Exceeding the speed limit by 34 miles per hour or more	6 points
Disobedience of any traffic-control device or traffic officer	3 points
Too fast for conditions	0 points
Possessing an open container of an alcoholic beverage while	-
Driving	2 points
Failure to adequately secure a load, except fresh farm produce,	•
resulting in loss of such load onto the roadway which results in	
an accident	2 points
Violation of child safety restraint requirements, first offense	1 point
Violation of child safety restraint requirements, second or	Г 3
subsequent offense	2 points
Sword warm or rains and successful successfu	2 points

SECTION 3-13.

Said title is further amended by striking Code Section 40-6-249, relating to littering highways, and inserting in lieu thereof the following: "40-6-249.

A person Any person littering a highway in violation of Part 2 of Article 2 of Chapter 7 of Title 16, the 'Litter Control Law,' or driving, moving, or loading for operation a vehicle in violation of Code Section 40-6-248.1 shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Code Section 16-7-43."

PART IV SECTION 4-1.

The Official Code of Georgia Annotated is amended by reserving the following former designations:

- (1) Code Section 32-6-21; and
- (2) Code Section 21-2-3.

PART V SECTION 5-1.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval for purposes of adopting local ordinances to become effective on or after July 1, 2006; and for all other purposes, this Act shall become effective on July 1, 2006.

SECTION 5-2.

All laws and parts of laws in conflict with this Act are repealed.

Representative Smith of the 70th moved that the House agree to the Senate substitute to HB 1320.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F

Y Benton	Y Dukes	Y Jacobs	E Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
E Borders	E Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	E Franklin	Y Keown	Y Orrock	E Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Hatfield	Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	E Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Rogers	Y Wix
Cooper	Henson	Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson,
				Speaker

On the motion, the ayes were 156, nays 0.

The motion prevailed.

Representative Cooper of the 41st stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

HB 1216. By Representatives Freeman of the 140th, Rice of the 51st, Porter of the 143rd, Talton of the 145th, Byrd of the 20th and others:

A BILL to be entitled an Act to amend Part 5 of Article 1 of Chapter 8 of Title 40 of the Official Code of Georgia Annotated, relating to equipment of law enforcement and emergency vehicles, so as to allow the use of properly equipped all-terrain vehicles by law enforcement agencies; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate moves to amend HB 1216 by striking on line 15, page 1 the word "three" and inserting in its place the word "four".

Representative Freeman of the 140th moved that the House disagree to the Senate amendment to HB 1216.

The motion prevailed.

By unanimous consent, SB 510 was postponed.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the House:

HB 1318. By Representative Barnard of the 166th:

A BILL to be entitled an Act to amend Chapter 2 of Title 42 of the Official Code of Georgia Annotated, relating to the Board and Department of Corrections, so as to provide authority to place vending machines on the premises of department facilities for the benefit of employees; to provide for employee benefit funds; to change certain provisions relating to the Board and Department of Corrections; to provide definitions; to provide a statement of legislative intent; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1403. By Representative Martin of the 47th:

A BILL to be entitled an Act to amend Article 2 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to the joint county and municipal sales and use tax, so as to change certain provisions regarding procedures for certifying additional qualified municipalities; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate has passed, by substitute, by the requisite constitutional majority the following bills of the House:

HB 1335. By Representatives Day of the 163rd, Crawford of the 127th, Amerson of the 9th, Horne of the 71st, Hanner of the 148th and others:

A BILL to be entitled an Act to amend Code Section 35-3-34.1 of the O.C.G.A., relating to the circumstances when an exonerated first offender's criminal record may be disclosed, so as to permit state or local law

enforcement units to review first offender record information when hiring a law enforcement officer; to amend Code Section 42-8-63.1 of the O.C.G.A., relating to first offender probation discharges that disqualify individuals from employment, so as to permit consideration of such a discharge when employing a law enforcement officer; to change certain provisions relating to the disqualification of individuals from employment based on first offender probation discharge information and the disclosure of exonerated first offender records; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1424. By Representatives Smith of the 168th, Williams of the 165th, Hatfield of the 177th, Sims of the 169th, Roberts of the 154th and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 27 of the Official Code of Georgia Annotated, relating to wildlife generally, so as to change certain provisions relating to hunting with dogs generally; to change certain provisions relating to killing of dogs running deer; to repeal conflicting laws; and for other purposes.

The Senate has passed, by the requisite constitutional majority, the following bills of the House:

HB 1444. By Representatives Maxwell of the 17th, Knox of the 24th, Meadows of the 5th, Forster of the 3rd and Lunsford of the 110th:

A BILL to be entitled an Act to amend an Act approved May 2, 2005 (Ga. L. 2005, p. 563), so as to revise the applicability of certain sections of such Act to apply to insolvencies occurring on and after the effective date of the Act; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1484. By Representative Tumlin of the 38th:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to clarify the circumstances under which an insurable interest exists with respect to personal insurance; to codify the common law with respect to certain insurable interests; to change certain provisions concerning prerequisites for replacement life insurance exceeding insurance being surrendered; to change special employee group provisions of group life insurance; to alter required policy provisions for group life insurance; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has passed by substitute, by the requisite constitutional majority, the following bill of the House:

HB 1412. By Representatives Smith of the 168th, Mosley of the 178th, Stephens of the 164th, Royal of the 171st and Bridges of the 10th:

A BILL to be entitled an Act to amend Title 20 of the Official Code of Georgia Annotated, relating to education, Title 36 of the Official Code of Georgia Annotated, relating to local government, and Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to require the use of clean and renewable fuels in certain vehicles operated by certain government entities under certain circumstances; to provide for legislative findings and declarations; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has passed by the requisite constitutional majority the following bills of the House:

HB 1170. By Representatives Parsons of the 42nd, Williams of the 4th, Hembree of the 67th, Heard of the 104th, Smith of the 70th and others:

A BILL to be entitled an Act to amend Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologists, so as to change certain provisions relating to examination fees for application for certificate of registration; to repeal conflicting laws; and for other purposes.

HB 1193. By Representatives Knight of the 126th, Rice of the 51st, Coleman of the 97th, Ralston of the 7th and Talton of the 145th:

A BILL to be entitled an Act to amend Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to criminal offenses involving controlled substances, so as to prohibit owning or operating vehicles containing false or secret compartments; to prohibit installing false or secret compartments in a vehicle; to subject such vehicles to forfeiture; to provide a penalty for violations; to provide for related matters; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

HB 1506. By Representatives Houston of the 170th, Burkhalter of the 50th, Ehrhart of the 36th, Royal of the 171st, Harbin of the 118th and others:

A BILL to be entitled an Act to amend Part 2 of Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to imposition, rate,

collection, and assessment of state sales and use tax, so as to prohibit certain sales at any business location where the state revenue commissioner has revoked such business location's certificate of registration; to provide for criminal penalties; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate has disagreed to the House substitute to the following bill of the Senate:

SB 288. By Senators Rogers of the 21st, Hamrick of the 30th and Hill of the 32nd:

A BILL to be entitled an Act to amend Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to teachers and other school personnel, so as to enact the "Grade Integrity Act of 2005"; to provide that no classroom teacher shall be required, coerced, intimidated, or disciplined in any manner to change the grade of a student; to provide for an ethical violation reportable to the Professional Standards Commission; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate adheres to its amendment and has appointed a Committee of Conference on the following bill of the House:

HB 1390. By Representative Ehrhart of the 36th:

A BILL to be entitled an Act to amend Chapter 30 of Title 43 of the Official Code of Georgia Annotated, relating to optometrists, so as to change certain provisions relating to creation of the State Board of Optometry, its composition, and qualifications of its members; to change certain provisions relating to the terms of office of board members; to provide for related matters; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Balfour of the 9th, Pearson of the 51st, and Chance of the 16th.

The Senate has adopted the report of the Committee of Conference on the following bill of the House:

HB 1257. By Representatives Knox of the 24th, Maxwell of the 17th, Meadows of the 5th and Watson of the 91st:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to exempt certain change of address filings by agents, subagents, counselors, and adjusters from a fee; to provide for certain qualifications for a counselor's license; to provide for the

maintenance by the Commissioner of Insurance of the address of the place of business of agents, subagents, counselors, and adjusters; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has passed, by substitute, by the requisite constitutional majority, the following bills of the House:

HB 1044. By Representatives Cheokas of the 134th, Barnard of the 166th, Lane of the 158th, Lunsford of the 110th, Forster of the 3rd and others:

A BILL to be entitled an Act to amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, so as to provide that part-time municipal and city court judges shall be treated as full-time judges for purposes of being exempt from certain state weapons requirements so that part-time judges shall be exempt in the same manner as full-time judges; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1248. By Representatives Williams of the 4th, Dickson of the 6th and Tumlin of the 38th:

A BILL to be entitled an Act to amend Title 3 of the O.C.G.A., relating to alcoholic beverages, so as to provide for the comprehensive revision of provisions regarding alcoholic beverages; to change certain provisions regarding definitions; to change certain provisions regarding license or tax forms and filings; to change certain provisions regarding certain refunds or credits; to change certain provisions regarding limitations on credit; to change certain provisions regarding seizure and disposition of contraband; to change certain provisions regarding local government licensing powers; to change certain provisions regarding criminal penalties; to change certain provisions regarding license bonds; to change certain provisions regarding license or tax stamps; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1304. By Representatives Knox of the 24th, Brown of the 69th and Meadows of the 5th:

A BILL to be entitled an Act to amend Title 33 of the O.C.G.A., relating to insurance, so as to provide that neither the cash surrender values nor the proceeds of life insurance policies and annuity contracts shall be liable to attachment, garnishment, or legal process in favor of any creditor of the person for whose use or benefit the policy or contract was executed; to provide that the proceeds of life insurance policies that are payable to the

insured's estate or executor, administrator, or assign shall become a part of the insured's estate to be administered as all other estate assets; to provide for the discharge from liability for any insurer for payments in accordance with such provisions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1490. By Representatives Burns of the 157th, Lane of the 158th and Jenkins of the 8th:

A BILL to be entitled an Act to amend Code Section 12-3-10 of the O.C.G.A., relating to directing persons to leave parks, historic sites, or recreational areas upon their refusal to observe rules and regulations and prohibited acts generally, so as to change certain provisions relating to prohibitions against having or using certain boats on state park lakes; to amend Code Section 16-9-70 of the O.C.G.A., relating to criminal use of an article with an altered identification mark, so as to include vessels within the applicability of said Code section; to amend Chapter 7 of Title 52 of the O.C.G.A., relating to the registration, operation, and sale of watercraft, so as to change certain provisions relating to definitions; to change certain provisions relating to requirement as to numbering of vessels; to provide for forfeiture proceedings; to provide penalties for violations; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Representative Keen of the 179th moved that the House do now adjourn until 10:00 o'clock, tomorrow morning, and the motion prevailed.

The Speaker announced the House adjourned until 10:00 o'clock, tomorrow morning.